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House of Representatives

The House met at 9:30 a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendments bills of the House of the following titles:

H.R. 1374. An act to designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building''.

H.R. 3189. An act to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the ''Joseph Ileto Post Office''.

The message also announced that pursuant to Public Law 105–134, the Amtrak Reform and Accountability Act of 1997, the Chair announces the appointment of the following individual, appointed by the Minority Leader of the United States Senate, to the Amtrak Reform Council: James E. Coston of Illinois vice Donald R. Sweitzer of Virginia.

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 Florida (Mr. STEARNS) for 5 minutes.

THE TOTAL TAX BURDEN

Mr. STEARNS. Mr. Speaker, I would like to bring to the attention of my colleagues the March 26 article in the Washington Post which highlights the tax cutting success of the Republicans here in Congress. The title reads, quote, ''Federal Tax Levels Falls For Most,'' end quote.

The article highlights studies conducted by a number of tax experts which have concluded that the median two-income family pays less in Federal taxes today than it did in 1981. Now, the figures may differ a little bit from the Congressional Budget Office, the Treasury Department, or the Tax Foundation depending upon the level of the two-family income.

The percentage of Federal income taxes paid has decreased anywhere from 2 percent to 3 percent. Most notably, the Tax Foundation study shows that in 1998, a two-earner family with an income of $68,605 paid 8.8 percent in Federal income taxes, roughly the same percentage as in 1955. The Tax Foundation credits much of the drop in the percentage paid in taxes to the enactment of the Taxpayer Relief Act of 1997. In particular, families received much of the relief through the per-child tax credit and the Hope and Lifetime Learning Education credits.

In the 106th Congress, we are going a step further by eliminating the marriage penalty tax, reducing the so-called death tax and allowing self-employed people to deduct 100 percent of their health insurance costs.

So, Mr. Speaker, we have made great strides here in Congress to reduce the Federal income tax burden on the American taxpayer, but I believe there is more to be done. Though the average American family is paying somewhat less in Federal income taxes, Mr. Speaker, the Tax Foundation report also shows that the total tax burden for the median two-earner family is 39 percent. For instance, there is the payroll tax which pays for Social Security, disability insurance and hospital portion of Medicare. These continue to increase. Both the employer and the employee pay these payroll taxes with the employer passing his burden to the employee through the form of lower wages. If we combine the employer/employee share of payroll taxes, the burden is 15.3 percent, which exceeds the Federal income tax.

We also have other Federal taxes such as the estate tax, the corporate income tax, various excise taxes paid by businesses which are passed on to the American taxpayers in the form of higher consumer prices or in the reduced value of assets.

Finally, of course, there are the State and local income taxes which surprisingly represent a higher amount of the tax burden compared with just the Federal income tax. The percentage of income paid in State and local taxes is 13.1%. This amount is 4.3% more than paid in federal income taxes on median two income families.

So by adding the payroll tax, all Federal taxes, State and local taxes, the median two-earner family is paying 39 percent of its income in total taxes.

Now, in 1996 the total tax burden was 41.5 percent, so we have seen some relief due to the Republicans' initiatives. Compare the total burden today to 1955, when the two-earner family paid only 18.2 percent total taxes. That is an enormous increase over 43 years, and I believe it shows that the publicity over the reduction in the Federal income tax burden, while important, masks the magnitude of the total tax burden on Americans. We need to continue to provide relief from the estate and gift tax, reduce the capital gains taxes, encourage State and local governments to provide additional tax relief for all Americans.

We are making progress, Mr. Speaker. Let us continue to work harder here and to do more for the American people.

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UNDERGROUND CAMPAIGN DISCLOSURE ACT

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

Mr. DOGGETT. Mr. Speaker, there is a new, rather innocuous-sounding term that embodies much of what is wrong with our campaign finance system in America today. It is called the ''527''. It is not a bird; it is not a plane; but it is the Superman, the super weapon, of choice for American politics in this election year.

With unlimited amounts of hidden campaign money, 527 organizations are filling our airwaves with hate and our mailboxes with misinformation. 527 simply refers to section 527 of the Internal Revenue Code. It was actually enacted back in the Watergate era to respond to abuses at that time. But now it is as if we have been revisited by the ghost of Nixon and all the wrongdoing of the Committee for the Reelection of the President, better known as CREEP.

Roll Call first reported on this phenomenon last fall; and with a clever and somewhat humorous cartoon, as shown on this blowup, it referred to ''Introducing the New 527 Loophole Airbus.''

Since the exploitation of Section 527 apparently originated with Newt Gingrich's GOPAC, the tail section is marked ''GOP issue ads.'' There is reference to anonymous, unlimited political contributions and the wing sections of this pig of a plane flying over and polluting the Capitol have the initials of the committees that have been formed by TOM DELAY and J.C. WATTS. These clandestine groups plan to gorge themselves on millions of secret dollars to promote their partisan agenda with unidentified contributors.

There is not anything funny about the pollution of our political process that 527's produce, and as in any struggle neither will they be limited to one party or philosophy.

Today, together with over 100 Members of this House, I am filing the Underground Campaign Disclosure Act to require that these groups file with IRS an initial identifying statement of organization, as well as periodic contribution and expenditure reports similar to and with the same frequency as the filings all candidates already file with the Federal Election Commission.

This information must be made public, including promptly over the Internet. 527's would be subject to the same penalties that already apply for noncompliance already applicable to other tax-exempt organizations.

Unlike most Americans, who are struggling along right now preparing for April 15, these secret 527 organizations usually escape tax free, paying neither Federal income nor gift taxes. Because those American taxpayers, who are out there getting their returns filed and paid, are essentially subsidizing these 527 loophole organizations, I believe that all of us have a right to know what these clandestine groups are doing, who is giving and how their money is spent.

This legislation that I am introducing would implement the recommendations of the nonpartisan Congressional Joint Committee on Taxation, which only recently concluded that ''the special status accorded [these 527's] under present law justifies this public disclosure.''

Under my legislation, when the attack ads hit the airwaves, we can at least identify the attackers.

Though my home State of Texas has the most polluted city in America, a Texas-based Republican 527 group ran attack ads in New York against Senator MCCAIN about air pollution.

Drug manufacturers, who have insisted on discriminating against uninsured seniors by charging them over twice as much as their most favored customers on needed prescriptions, have founded a Republican-friendly group that has mislabeled itself ''Citizens for Better Medicare.'' This 527 is committed to spending over $30 million this year to block reform, and, indeed, it has already run attack ads against some of the very people who are trying to change the law to help seniors on their prescriptions.

For another clandestine political committee, brand new one, here is a blowup of its Web page. It is called ''Shape the Debate.'' How is it going to shape the debate? As its Web page says: by engaging in issue advocacy. It seeks ''contributions in unlimited amounts.'' The contributions can be ''from any source,'' including directly out of the corporate treasury, and we are told that these corporate contributions and other political contributions will never be a matter of public record. They will ''not be reported to the Federal Election Commission, nor to any State agency.''

I believe that we need a bipartisan effort to address the growing 527 plague. On his web page, George W. Bush indicates he favors ''near-instant disclosure of names of contributors on the Internet.'' I have invited all my colleagues to join in approving this bill. Let's close the growing 527 loophole.

KICKING OFF 30TH ANNIVERSARY OF EARTH DAY/EARTH MONTH

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

Mr. PALLONE. Mr. Speaker, today we are kicking off the celebration of the 30th anniversary of Earth Day. This year we are celebrating April as Earth Month, with April 22 as the day that is actually Earth Day. The theme of Earth Day this year is the problem of global climate change and clean energy solutions. Here at home, Mr. Speaker, in the United States, the House Democrats are working to ensure our Nation's long-term energy security while encouraging growth in our economy. We are working to reduce our reliance on fossil fuels and gas guzzling vehicles, increase energy conservation and protect our domestic and global environment.

I should add that the threats of climate change are very real. The past decade has seen some of the largest temperature increases on record. The impacts of climate change could include more extreme weather events, sea level rise, erosion, changes in rainfall patterns, increases in disease epidemics, and changes in agricultural production. And even if we act now, it will take many years to reverse the trend of increasing atmospheric concentrations of greenhouse gases.

Democrats, Mr. Speaker, in the House are trying to be practical. We are supporting measures in the administration's budget proposal that would promote energy efficient and renewable energy technologies in the United States and abroad, and that would reduce emissions that harm people's health and degrade our natural resources. We are also working with other nations to promote the development and export of U.S. clean-energy technologies and reduce emissions in developing nations.

For example, Mr. Speaker, I just returned from India with the President, which is one of the world's largest contributors to global greenhouse gas emissions. I am encouraged, however, because the U.S. and India signed a landmark agreement while the President was there to promote cooperation in the areas of clean energy and climate change in ways that will help India's economy grow in an environmentally sustainable manner. This will reduce air pollution, diminish health risks and preserve India's ecosystems and natural beauty.

As part of this agreement that was signed in India, the Confederation of Indian Industries and the U.S. Energy Association have launched a green business center to foster business development in one of India's most high-tech regions on a more sustainable path. The United States will help India use less energy and improve its environmental quality, and India will not sacrifice its economic growth. In fact, its local businesses will conserve energy and improve their bottom lines.

One of the utilities in my home State of New Jersey, Public Service Electric and Gas, is on the verge of signing a public/private partnership with the Indian government to promote clean-energy technologies and help India avoid the pollution we experienced alongside our industrial development here in the United States.

□ 0945

Mr. Speaker, I look forward to working with my colleagues in the business

and environmental communities, Members of Congress, the administration, and our colleagues in India to reduce the threat of global climate change, to develop alternative forms of energy for the industrial, transportation, building and utility sectors, and to better protect our environment for the current and future generations.

To this end, I pledge to work here at home to pass environmentally-sound legislation and budgetary items, and prevent passage of harmful antienvironmental riders. Abroad, we will work cooperatively and collectively to reduce threats to our global environment.

As we celebrate today and through the rest of this month of April the 30th anniversary of Earth Day, I would urge my colleagues on both sides of the aisle to make a similar commitment and join me in protecting our environment and energy security to the next 30 years.

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

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

Mr. DOGGETT. Mr. Speaker, since the gentleman from New Jersey raised these important environmental issues, I know he has been a spokesperson, a very effective advocate for the environment for some years. At some times on that and some of the health care issues, it puts him in a position that has been adverse to the insurance lobby.

I am wondering if the gentleman from New Jersey is familiar with the 527 clandestine political organizations and if they played any role in New Jersey politics, in political pollution because of the gentleman's fight against environmental pollution.

Mr. PALLONE. Mr. Speaker, let me say I agree 100 percent with what my colleagues said about these corporations and this tax loophole. Back in November of 1998, I was hit the last 2 weeks of the campaign with a $5 million independent expenditure by a group like this that was obviously taking advantage of the fact that there was no disclosure under the campaign finance laws. We were able to determine that much of the money was from the insurance industry, particularly the HMOs, as well as we think from the prescription drug industry. But to this day I cannot verify that because the fact of the matter is there is no disclosure. I believe very strongly if we had disclosure along the lines of what the gentleman from Texas suggested, a lot of this veiled campaign money would not be spent.

Mr. DOGGETT. Mr. Speaker, they could put pretty names on their committee that appears in the mailers and on TV and attack you, however, without disclosing who gave them the dirty money.

DISCLOSURE OF 527 ORGANIZATIONS

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

Mr. MOORE. Mr. Speaker, I thank the gentleman from Texas (Mr. DOGGETT), who has taken a leadership role on the important issue of improved campaign finance disclosure. I am proud to be an original cosponsor of the proposal he discussed recently, and I hope it will quickly be approved by the Committee on Ways and Means.

Mr. Speaker, many Americans have lost faith in our political system. Routinely, half of those eligible to vote do not. People feel our political system is at best irrelevant and at worst shot full of corruption. Our country is better than that, and our people deserve better.

Last September, the House of Representatives overwhelmingly passed the Shays-Meehan bill, which would have dramatically reformed the campaign finance system. It would have rid our system of soft money and severely limited independent expenditures. But similar efforts died by a narrow majority in the Senate.

Though Shays-Meehan remains a necessary reform, a new type of political organization threatens the integrity of our campaign finance process, our electoral process. Known as 527s and named after the provision of the Tax Code under which they are created, these organizations contend they can accept unlimited funds and never disclose the names of donors, the amount of contributions, or how the money is spent.

This is possible because, while these groups qualify as political committees under the Tax Code, they are not subject to the jurisdiction of the Federal Election Commission. These organizations have caught the eye of many observers, not the least of which is the Joint Committee on Taxation.

When I was running for Congress, people told me how fed up they were with the system. Public cynicism and apathy eat away at voter participation and cause citizens to tune out of discussions of very serious issues. It has turned a whole generation of young people away from politics as a means of governance and social change.

Simply put, the current campaign laws alienate voters. I am hoping this legislation, or new legislation, I drafted will begin to restore public trust and will also take congressional seats off the 527 auction block.

This bill and my bill, called the Campaign Integrity Act of 2000, would require 527s to meet the disclosure and reporting requirements of the Federal Election Campaign Act. This proposal would rewrite the Internal Revenue Code section 527 definition of political organizations to require public disclosure of the names of contributors and the sums contributed. Violations would result in the loss of the organization's tax exempt status.

This bill will not cure all of the ills of the campaign finance system but instead represents two very important and necessary goals. First, this act closes the 527 loophole and reestablishes in our country the principle that campaigns will be subject to scrutiny. Secondly, this bill requires and represents a reasonable political compromise that, in the absence of more comprehensive reform, gives Congress the opportunity to make upcoming elections more open, fair, and honest.

To those who cling to free speech, an argument against reform, this legislation would not impose limitations on contributions to 527s and, therefore, will not interfere in anybody's first amendment right. It would simply require full disclosure, forcing those who wish to exercise this type of expression to show their face just like everybody else has to do.

My colleagues and I are urging other Members and pro-reform organizations to join in this effort. It is high time that Congress shine light on 527s and tell special interest groups that the American people are our special interest.

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

Mr. MOORE. Certainly, I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, I want to thank the gentleman for his leadership. I know he has already done two articles on this. He has developed a legislative solution on this.

You mentioned our efforts during the last session to try to approve the McCain-Feingold bill, the Shays-Meehan bill, as we call it here in the House, major campaign reform.

Does the gentleman recall that there were those on the Republican side who opposed that legislation, saying that all we needed was to have instant disclosure, complete disclosure of campaign contributions and expenditures?

Mr. MOORE. I do recall that, Mr. Speaker.

Mr. DOGGETT. Mr. Speaker, are we not basically taking them up on their word, but saying let us apply it across the board, and let us include these new secret organizations, covert operations that are occurring as 527s? All we are asking is complete and instant disclosure in our legislative approach.

Mr. MOORE. Absolutely. Mr. Speaker, I just do not see how any reasonable person can say that full disclosure of the names of persons who contribute and the amounts contributed can in any way interfere with anybody's right to free speech or the other objectives they have. I think this is something that people in this country deserve.

Mr. DOGGETT. Mr. Speaker, I pulled up George W. Bush's campaign Web page; and he claims that he favors, ''near instant disclosure of the names of contributors on the Internet.'' If our Republican colleagues would join with

us, could we not do this right now on these 527 organizations and require that instant disclosure over the Internet in both the spirit of JOHN MCCAIN and the campaign Web site of George W. Bush?

Mr. MOORE. Yes, Mr. Speaker.

CONGRATULATIONS TO MICHIGAN STATE UNIVERSITY BASKETBALL TEAM, KEEP SOCIAL SECURITY SOLVENT, AND ABOLISH CENSUS LONG FORM

The SPEAKER pro tempore. 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, this is a little bit on the lighter side but also on the heavier side, sort of like sweet and sour. But I want to congratulate my alma mater, Michigan State University, for the excellent game that they played last night for their championship now in the college athletic contests of who does the great job in basketball. So I say congratulations to Michigan State.

I see some Michigan people up in the balcony. I know we all have pride when we support a team that, well, has honesty in their heart and knowledge and conviction and strength. It does take determination and conviction and strength.

Mr. Speaker, I want my colleagues to know that I tried to make some wagers last night on the Michigan State-Florida game. First, I went to the gentleman from Florida (Mr. SHAW), and I said to him, if Michigan State wins, then he would have to pass my Social Security bill. He did not think that was the right kind of wager.

So then I went to the gentleman from Florida (Mr. MILLER) and said, well, how about a wager; and if Michigan State wins, he has to do away with the long form on the census. The gentleman from Florida did not think that was right.

But, Mr. Speaker, I want to just comment on those two issues.

The long form on the census, which, on the average, one out of six Americans gets, is very intrusive. It approaches a kind of bureaucratic curiosity, wondering all about people, from whether they have mental problems, whether they have a tough time remembering, whether they have difficult times going out of doors and going to a doctor.

We need to have an accurate count on our census, but we do not need to ask every American household in the United States all of these intrusive questions. Those kinds of questions can be accomplished by polling, by sampling, and that is the way we should do it from now on.

That is why the Census Bureau, that is why the gentleman from Florida (Mr. MILLER) and his committee are looking at options to make sure we no longer have the long form in future years.

Look, we have got a government that is intrusive. Our technology today allows us to peek into everybody's lives. So our technology can listen in on one's phone calls, even if they are cell phones. We have a capacity of knowing what doctors one uses, when one goes to those doctors, and what one goes to those doctors for.

I think with the high-tech that we have today, we should be especially conscious of this kind of government intrusion. I think why American people, Mr. Speaker, are more suspicious today is because they have lost some of their confidence and trust in government.

Let me just finish off with a comment on my wager to the gentleman from Florida (Mr. SHAW), who is on the Committee on Ways and Means and chairs the subcommittee that oversees Social Security. Last week, we had sort of a placebo set out by the Social Security Administration that said, look, it is not going to be 2013 when Social Security brings in less revenues than is needed to pay benefits, but it is actually going to be 2015.

I just would like to say with all the force that I have, Mr. Speaker, that it is so important that we not put this off. If there is one disappointment in this administration, it is the President's unwillingness to come forth with a proposal that can keep Social Security solvent for the next 75 years.

I see a lot of young people in the audience. I see some seniors. Social Security and the willingness of Congress to make sure it survives is important to all groups. I would hope, Mr. Speaker, that this House would have the courage to move ahead with Social Security reform next year.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 53 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 11 a.m.

PRAYER

The Reverend Father Richard Doerr, Diocese of Lafayette-In-Indiana, Carmel, Indiana, offered the following prayer:

Loving God, You are author of life and origin of all created things.

We ask that Your grace and blessing be bestowed upon the men and women who have been called to serve our country in the House of Representatives.

Help them to represent their constituents wisely with an eye toward safeguarding the deeper truths of human life that come only from You.

Bless the regions that they represent. Bless our country. Help our legislators to enact laws that will uphold the values of peace and justice in our land and throughout the world. We ask this in God's name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GIBBONS 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.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

BELINDA MCGREGOR

The Clerk called the Senate bill (S. 452) for the relief of Belinda McGregor.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

NANCY B. WILSON

The Clerk called the bill (H.R. 758) for the relief of Nancy B. Wilson.

There being no objection, the Clerk read the bill as follows:

H.R. 758

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

SECTION 1. ENTITLEMENT TO WIDOW'S INSURANCE BENEFITS.

(a) IN GENERAL.—For purposes of determining the eligibility of Nancy B. Wilson, the wife of Alphonse M. Wilson (social security number 000–00–0000), to widow's insurance benefits under section 202(e) of the Social Security Act (42 U.S.C. 402(e)), Nancy B. Wilson shall be deemed to have been married to Alphonse M. Wilson for a period of not less than 9 months immediately prior to the day on which Alphonse M. Wilson died.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on March 21, 1991.

(c) PAYMENT.—Any benefits to which Nancy B. Wilson is entitled for the period prior to the date of the enactment of this Act shall be paid to her in a lump sum.

The bill was ordered to be engrossed and read a third time, was read the

third time, and passed, and a motion to reconsider was laid on the table.

VESSEL MIST COVE

The Clerk called the bill (H.R. 3903) to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

There being no objection, the Clerk read the bill as follows:

H.R. 3903

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

SECTION 1. VESSEL MIST COVE.

(a) CONSTRUCTION TONNAGE OF M/V MIST COVE.—The M/V MIST COVE (United States official number 1085817) is deemed to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code, for purposes of applying the optional regulatory measurement under section 14305 of that title.

(b) LIMITATION ON APPLICATION.—Subsection (a) shall not apply on any date on which the length of the vessel exceeds 157 feet.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SENSENBRENNER:

Strike all after the enacting clause and insert the following:

SECTION 1. VESSEL M/V MIST COVE.

(a) The Secretary of Transportation shall prescribe a tonnage measurement as a small passenger vessel as defined in section 2101 of title 46, United States Code, for the M/V MIST COVE (United States official number 1085817) for purposes of applying the optional regulatory measurement under section 14305 of that title.

(b) Subsection (a) shall not apply on any date on which the length of the vessel exceeds 157 feet.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

PARTIAL-BIRTH ABORTION

(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, I rise today to urge my colleagues to support the ban on the procedure called the partial-birth abortion. That name is really a misnomer. It is really a preterm delivery that results in infanticide. I urge my colleagues to be honest and fair, to examine the evidence about what happens during this procedure.

Dr. C. Everett Koop says this procedure is, quote, never medically necessary to protect a mother's life or her future fertility. On the contrary, he says, this procedure can pose a significant threat to both mother and child.

The American College of Obstetricians and Gynecologists says, ''There are no circumstances under which this procedure would be the only option to save the life of the mother and preserve the health of the woman.'' Any serious person has to admit that this procedure is unnecessary, it is barbaric and should be banned. Unfortunately, some people are extreme enough in their views that they are willing to defend this procedure under any circumstances.

Tomorrow, Members of good faith and common sense from both sides will stand together and vote to ban this horrific procedure. I urge all Members to support us.

INTERNATIONAL ABDUCTION NO. 12—OMAR AND GAMELA ELKASABY

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

Mr. LAMPSON. Mr. Speaker, I rise for the 12th time to talk about one of the 10,000 American children who have been abducted to foreign countries.

Omar and Gamela Elkasaby were abducted from Brooklyn, New York in August of 1998 by their noncustodial father, Gamal Elkasaby. The children's mother, Marta Sierra Elkasaby, obtained full custody of the children after their divorce. On the day of the abduction, Gamal told Marta that he was going to take the children to the movies but instead fled with them to Alexandria, Egypt. He contacted Marta by phone from Egypt right after the abduction took place and tried to persuade her to come to Egypt. When she refused, he made it clear that she would never see the children again.

Marta has spoken with Omar and Gamela only once, over the phone, but their father refuses to return them. Gamal has a history of violence toward his children and was only allowed to resume visitation after counseling.

Mr. Speaker, Omar, Gamela and their mother need our help. I have had the opportunity to sit down with parents like Marta. I have looked into their eyes; I have listened to their stories. The pain they experience on a daily basis is heart wrenching. I urge my colleagues to help families like the Elkasabys and bring our children home.

ENFORCE OUR LAWS, MR. PRESIDENT

(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, I rise today to call upon the Clinton administration to fulfill its duty to enforce the laws of the United States. Recently, I like many of my colleagues learned of some disturbing statistics about the wholesale failure of the current administration to prosecute Federal gun offenses. Mr. Speaker, the administration's lack of enforcement of our gun laws in America is simply appalling and unacceptable.

The number of referrals by the Federal Government for prosecution in gun crimes has declined by 44 percent under the Clinton administration. Looking back, in 1992, there were over 7,000 prosecutions under President Bush's project trigger lock program. President Clinton abandoned this get tough antigun crime enforcement program and as a result prosecutions fell almost 50 percent to a mere 3,800 in 1998.

Mr. Speaker, for the welfare and safety of every American, I call on our President to fulfill his commitment and constitutional duty. After all, if the administration is not going to enforce existing laws and prosecute criminals, what good is it to pass more laws?

THE BREAST AND CERVICAL CANCER TREATMENT ACT

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

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 1070, the Breast and Cervical Cancer Treatment Act, legislation which will give the States the ability to provide a reliable method of treatment for uninsured and underinsured women battling breast or cervical cancer.

I urge the Speaker to bring this critically important legislation to the House floor for a vote by Mother's Day, May 14. There is absolutely no excuse to miss this opportunity which will save women's lives.

The bill has 289 bipartisan cosponsors, well over the required number to pass a bill on the Suspension Calendar.

It was reported out of the Committee on Commerce and the Health and Environment Subcommittee unanimously. The President has included the initiative in his 2001 budget.

Presidential candidate George W. Bush has endorsed the bill. The National Breast Cancer Coalition and over 500 health care and women's organizations have said that passage of this bill is one of their top priorities for this Congress.

The Committee on the Budget recently expressed its commitment to the bill.

I implore my colleagues, Mr. Speaker, bring H.R. 1070 to the House floor before Mother's Day, in time to give our mothers, our sisters, our daughters the most important gift of all, which is life.

COMMENDING UNIVERSITY OF FLORIDA'S BASKETBALL TEAM

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

Mr. STEARNS. Mr. Speaker, although it was Michigan State who celebrated last night, I am very proud of the team from the University of Florida for making it to the NCAA title game. This season, Florida put together an impressive record of 29 and 8, matching the 1994 team for the most victories in the school's history.

I commend coach Billy Donovan for his outstanding work and the players for their perseverance in bringing ''Billy ball'' to the court. The Gators gave little breathing room and pressed the other team after nearly every basket. This unique style of play demands endurance from the opponent, which the Spartans showed last night.

The University of Florida can take great pride in the talent they fielded with Mike Miller, Brett Nelson, Donnell Harvey, Teddy Dupay, and the other players. I know that the University's President, Dr. Charles Young; the athletic director, Mr. Jeremy Foley; the students; the faculty and the fans of the Gators are proud of the team's accomplishments. I know that I am.

RATIO OF ACCIDENTAL MEDICAL DEATHS TO ACCIDENTAL GUN DEATHS

(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, something does not add up, the number of accidental deaths involving guns average 1,500 per year; and the number of accidental deaths caused by doctors, surgeons, and hospitals average 120,000 a year, 120,000 per year. That means the ratio of accidental medical-related deaths to accidental gun deaths is 80 to 1, 80 times more possible of being killed accidentally by a doctor than a gun.

Tell me, Mr. Speaker, should we mandate a 5-day waiting period on vasectomies?

Beam me up. Congress does not need more gun laws; America must enforce the laws that we have.

I yield back all the American lives saved by an honest law-abiding American who just happened to have a gun.

ORDER OF THE PURPLE HEART FOR MILITARY MERIT TO ROBERT EUGENE ELLEDGE

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

Mr. GARY MILLER of California. Mr. Speaker, I rise to honor an American hero. Last week, I had the opportunity to present Robert Eugene Elledge of Pomona, California with the Order of the Purple Heart for Military Merit service.

On May 10, 1951, as Mr. Elledge and his division began to crawl the hill they were ordered to take, his helmet was cracked into many pieces by enemy fire. After he was placed in an ambulance, he learned that his company had been annihilated, only four survived the Second Chinese Communist Forces Spring Offensive, also known as Battle of Soyang or, as Mr. Elledge recalls it, the May Massacre.

Mr. Speaker, 49 years ago, Mr. Elledge felt that his experience warranted a purple heart, and he began to inquire about when he might receive this honorable award. It seems that the paperwork requesting the medal was lost. Last Friday, 49 years after surviving the May Massacre, tears came to Mr. Elledge's eyes when he received the medal that he waited for so patiently.

The Korean War is often referred to as our ''forgotten war.'' While his paperwork may have been forgotten, the sacrifices that Mr. Elledge made for this country in Korea will always be remembered.

COMMENDING MICHIGAN STATE UNIVERSITY

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

Ms. KILPATRICK. Mr. Speaker, I rise today to commend the NCAA, its universities, presidents, and teams for the outstanding season that we witnessed first of the 21st century.

Last night, our Michigan State Spartans won an overwhelming victory; and we applaud them. President McPherson, Coach Izzo, the Flintstones, as well as the entire Michigan State teams, its coaches and university and students, we are proud of you. Go Green. Keep the fight. Let us move on for a positive 21st century.

We are with you, God bless you.

FATHER RICHARD DOERR

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

Mr. McINTOSH. Mr. Speaker, it is an honor to introduce Father Richard Doerr as our guest chaplain today.

After speaking with some of the members of his congregation in Carmel, Indiana, I can tell my colleagues that Father Doerr enjoys the kind of universal adoration that folks like us in Washington can really only dream about.

He is cherished by his congregation because of his memorable sermons, his positive nature, and his devotion to young adults in Indianapolis. Father Doerr is a priest of the Diocese of Lafayette-in-Indiana. He is an associate pastor of our Lady of Mt. Carmel Catholic Church and St. Maria Goretti Mission in Carmel, Indiana, a beautiful suburb north of Indianapolis.

He was educated in Indiana. He got his bachelor's degree from Purdue, where, I am told, he was a star in the Glee Club. And he went on to earn his masters degrees in theology and arts at St. Meinrad Seminary in Southern Indiana. He has ministered in St. Louis, in Fishers and was a chaplain at the St. Francis Newman Center on the campus of Ball State in my hometown of Muncie.

Father Doerr has done wonderful work with young adults throughout his career. Together with his brother, Brian, Father Doerr founded the Frassatti Society in Indianapolis, a group of more than 200 young Catholic adults.

The Society's members help each other keep faith in their lives during the transitions from college life, joining the work force and starting a family.

□ 1115

At those critical junctures, Father Doerr is there to make sure they remember to keep their faith in everything they do, say, and think.

One of my staffers, a young woman from Carmel, attends Father Doerr's mass and described him as captivating in the pulpit. She said that he tells real-life stories and makes it easy for her to apply the lessons of the scripture in her life. Most of all, she said he is funny.

So it is with great pride that we Hoosiers present Father Richard Doerr as today's chaplain. Thank you, Father Doerr, for blessing us in this House today.

REINVENTING COMMON SENSE

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

Mr. KINGSTON. Mr. Speaker, under the Gore administration, there has been an all-out effort to reinvent common sense. Under that, the Vice President decided to take on purchasing over at the Pentagon and make the Pentagon act like the private sector.

Well, here is what we got after Mr. Gore was finished with it. They paid $30 for a 15-cent O-ring gasket; $714 for an electric bell that was worth only $47; $350 for a ball bearing that normally costs $48; and $1,236 for fan assemblies worth $675.

But then again, here is a guy who takes $300,000 from Buddhist monks, sworn on a vow of poverty, and does not recognize that as a fund-raiser. Perhaps that is why he could not recognize a good deal over at the Pentagon.

ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK AMENDMENTS OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 454 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 454

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2418) to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from 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. Speaker, this is a fair, structured rule providing for consideration of H.R. 2418, the Organ Procurement and Transplantation Network Amendments. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. It shall be in order to consider as an original bill for purposes of amendment the amendment in the nature of a substitute recommended by the Committee on Commerce.

No amendment to the committee amendment in the nature of a substitute shall be in order, except for those the Committee on Rules has permitted and printed in the report accompanying this resolution. Each amendment one, may be offered only in the order printed in the report; two, may be offered only by a Member designated in the report; three, shall be considered as read; four, shall be debatable for a time specified in the report; five, shall not be subject to amendment; and six, shall not be subject to a demand for division of the question. The rule waives all points of order against these amendments.

Specifically, the Committee on Rules has provided for the consideration of five amendments dealing with a number of important issues. Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority Members of the House.

By way of background, HHS Secretary Donna Shalala announced on March 26, 1998, that the Department would publish in the Federal Register a final regulation that would completely overhaul the organ donor system. The current system, run by the private sector nonprofit Organ Procurement and Transplantation Network, is locally based, allowing patients and their families to search in their communities for a potential donor that could help them. Under the new rules, the system would be nationalized by the Federal Government.

This HHS rule is opposed by the vast majority of the transplant community and a congressional moratorium has been in place for almost 2 years. Clearly, Congress in the past has intended that the Organ Procurement and Transplantation Network, comprised of the medical and scientific community, have the power to allocate organs and decide the guidelines for the contribution of organs.

Today, H.R. 2418, the Organ Procurement and Transplantation Network Amendments, would clearly reinforce our intent that the responsibility for developing medical criteria and standards for organ procurement and transplantation rest with the network. This legislation also ensures that this distribution of organs is based so equity and ethics without political control or influence and strengthens patient donor data confidentiality safeguards.

One of the most valuable tools we have to raise public awareness about the need for organ donors is through the work of volunteers, dedicated to saving the lives of a particular patient waiting for an organ. If this system is nationalized, the work of these volunteers, while valuable, could not be attributed directly to a particular transplant, but to the next person on a list somewhere in the United States.

The immediate effect that an organ donor could have on his or her community is a primary motivating factor when making the decision to become a donor. These rules go too far in moving organ donation away from the local communities and closer to national bureaucracies. We are opposed to letting political appointees make the decisions to allocate organs across the Nation, and we should not allow a Federal department the ability to impact the medical decisions that affect thousands of patients waiting for a second chance at life.

In addition to ending the politicization of this medical process, we also want to encourage Americans to become organ donors. Because the demand for organs for transplantation far exceeds the supply, we should focus our efforts toward encouraging more individuals to become donors and not spreading the already limited supply of organs even thinner under the HHS nationalization plan.

Unfortunately, reports also indicate that HHS has not effectively done anything to increase organ donations. As a result, H.R. 2418 creates a new $5 million grant program to pay for the travel expenses incurred by living organ donors, authorizes $2 million in additional grant funds to carry out studies, and demonstration projects to increase organ donations, and requires the network to work actively to increase the supply of donated organs.

Mr. Speaker, I want to commend the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY); and the gentleman from Florida (Mr. BILIRAKIS) for their hard work in crafting this legislation. The product they have crafted would maintain responsible organ transplant policy decision-making within the current network, and this bill should be widely supported by the whole House today.

Mr. Speaker, this rule was unanimously reported by the Committee on Rules yesterday, and I urge my colleagues to support the rule so that we may proceed with debate and consideration of the underlying legislation.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER), my colleague and dear friend, for yielding me the customary half hour. I yield myself as much time as I may consume.

Mr. Speaker, the sad truth is there are not enough body organs to go around. If there were enough organs, the question of whether to give them to the sickest person, or the closest person, really would be moot. But

today, this very minute, there are 67,000 people waiting for an organ transplant in the United States alone. Unfortunately, Mr. Speaker, many of them will not receive that organ.

Five years ago, a doctor walked into my hospital room and told me, unless I got a new liver, the chances of me living more than 2 months was a long shot. But I was one of the lucky ones. My life was saved by a liver transplant; and not a day goes by that I do not thank God and medical science for the miracle that happened to me.

So if I thought this bill would expand that miracle to the other 67,000 people waiting for a transplant, I would do all I could to support it. But this bill will not expand the miracle. This bill is being introduced to sabotage the recent HHS regulations, regulations that are supported by the Institute of Medicine, which says that medical professionals should establish organ allocation policies. Those regulations require organs to be given to the sickest patients who might benefit rather than be kept within artificial limits.

In direct opposition to those regulations, this bill will bestow sole authority over life and death decisions upon a private contractor with not one scintilla of regulation. This private contractor will have authority over billions upon billions of dollars of Medicaid and Medicare money. Meanwhile, the public will lose its right to be heard on that subject.

Mr. Speaker, this bill takes the public voice out of public health. It sets back years of progress on organ transplantation policy, and it should be opposed. The rule, however, Mr. Speaker, is fair, and should be supported. The gentleman from California (Mr. DREIER), the chairman of the Committee on Rules and my dear friend, was kind enough to make in order several minority amendments, including the LaHood-Rush-Peterson-Moakley amendment; and for that I thank him.

Five years ago, Mr. Speaker, a family I probably will never meet saved my life. Their son died somewhere in Virginia, and they gave his liver to this Congressman from south Boston. I will never be able to thank them for their kindnesses, but I will be able to keep fighting until every one of those 67,000 other people who need a transplant get one, regardless of where they live.

So I urge my colleagues to support this rule, support the LaHood-Rush-Peterson-Moakley amendment.

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

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD), a sponsor of a major amendment.

Mr. LAHOOD. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Let me just begin by saying that this is a good rule, and I hope all Members will support it. It is a good rule because it is an open rule and it allows for plenty of debate on this very, very important legislation. As I said in the Committee on Rules last night, there is probably only 1 person in this House who is an expert on transplants, and the importance of a good organ donor program, and that is the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, who has been through it. He knows the anxiety and frustration, and he knows what it is like to go through a transplant procedure as one who has received a transplanted liver and is, thank God, a survivor and still a good, strong, sturdy, healthy Member of this House of Representatives.

Mr. Speaker, I do support the rule; but I rise in opposition to H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999, and in support of an amendment offered by myself and the gentleman from Massachusetts (Mr. MOAKLEY) and the gentleman from Illinois (Mr. RUSH) and the gentleman from Pennsylvania (Mr. PETERSON).

Mr. Speaker, H.R. 2418 is not about saving lives; what it is about is overlooking patients in the greatest need simply because of a geographic convenience. Through Medicare, Medicaid, CHAMPUS and other programs, the Federal Government pays for the vast majority of organ transplants. H.R. 2418 strips the Government of any rulemaking authority over transplant policy, affecting thousands of beneficiaries covered under Federal Government programs and delegates it to one agency, one private contractor.

□ 1130

This is wrong. This bill contradicts the recommendations of the Institute of Medicine that are detailed in a report mandated by Congress under the 1998 Omnibus Budget Act.

The IOM recommended additional government oversight of the organ procurement and transplant network and the establishment of an independent scientific advisory committee to work with the government to ensure the efficiency and equitable operation of the OPTN.

H.R. 2418 strips the government of its oversight authority and eliminates all public accountability of the Network. This is wrong.

For these reasons, I urge Members to support the rule but oppose the bill, and support our amendment, the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY), myself, the gentleman from Illinois (Mr. RUSH), and the gentleman from Pennsylvania (Mr. PETERSON).

It would apply several recommendations made by the Institute of Medicine to the organ allocation process. It ensures that organ allocation policies are based on sound medical principles and valid scientific data. The policies would be designed to share organs over as broad a geographic area as possible, providing some Federal oversight.

Again, Mr. Speaker, this is a good rule but a bad bill, and I urge my colleagues to support the rule.

Let me just for a minute say something. We do not want to go back to the old ways of doing things. There is a good system in place. This is a bad bill because it goes back to an old system that lets one agency play God about where organs will go. I do not think anybody in America wants that.

I urge all my colleagues and all the staff that are watching this being broadcast around the House system to pay close attention and to call back to their districts, and to talk to hospitals in their districts that do transplants. I doubt if they want one agency, a private agency, in America deciding where organ transplants will take place, this is wrong, with no oversight. Our amendment corrects that.

This is an important amendment, an important consideration for the Congress. I hope people will pay attention to it.

Again, I urge the adoption of the rule, the opposition to the bill, and the adoption of our amendment to bring common sense to a very important medical system in our country that will be eviscerated by this legislation.

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

Mr. Speaker, I thank the gentleman from Illinois (Mr. LAHOOD) for his very, very able presentation. I think he said it all.

Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a cosponsor and a gentleman who has been fighting on this for many years.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise to support the rule, speak against the bill, and support the amendment.

Mr. Speaker, I think it is important that whenever we are dealing with health care, we follow the lead of health care providers who have studied the issue.

This Congress asked the Institute of Medicine to do that. They did it very seriously and very coherently. They came forth with recommendations that allocation policies should be based on sound medical principles and valid scientific data.

The bill before us veers from that. Whenever we veer from that, we are going to cost lives. I do not think any of us want to be in that position.

Recently, Forbes Magazine talked about this system, UNOS, the united network supplying organs. Most organs are shared only within 62 regional territories, and in their opinion, last year 4,855 Americans died while waiting for transplants. This does not even count people pulled off the lists because they became too sick.

Each of us hopes we never need an organ, but we do not know when we will. We hope that we do not live in the wrong county or in the wrong State that would prevent us from receiving the organ that would save our life. That organ might go to someone who really had serious health problems, but could live a year or two longer.

Mr. Speaker, I hope we devise a system in this long debate today that will make sure that the scarce organs that are available go to those who need them to sustain life and can maintain life after the surgery. Anything less than that, we will have failed the American public.

Mr. Speaker, the other issue I want to raise is that the United Network for Organ Sharing system will under this legislation be totally free of any Federal regulation.

Now, I am not normally a fan of Federal regulators, I am not a fan of Federal power, but I want to tell the Members, we owe it to American citizens that our Federal Government and our HHS and our bureaucracy does oversee everything that deals with health care. We cannot have a system that is totally without some oversight.

Where will the citizens go that were denied? Where will the taxpayers go that are unhappy if we have no Federal oversight of a system?

To show Members what has been going on, patients pay over $350 to be listed on a waiting list. The listing fees make up the majority of UNOS's budget. They are spending $1 million a year of their budget to lobby us.

Should an organization that has total control, should an organization that is going to be given a position where they have no oversight, be allowed to spend $1 million a year to lobby us? No. There are a lot of problems with the system.

I want to say this, in conclusion: Economics should not rule on this issue. Part of this issue is about economics, because parts of this country who are harvesting more organs because they have younger populations and more young people who have good, strong organs that can be transplanted want to keep them there.

It is economics, health care economics. It is still one of the profitable parts of health care, and there are not many. I think that should not be part of this system. I think each and every one of us and each and every one of our constituents and taxpayers should have the thought and the hope that, just like they expect good emergency care no matter where they live, they would expect an equal chance at an organ if life depended on it.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK), the ranking member on the Subcommittee on Health on the Committee on Ways and Means.

Mr. STARK. I thank the distinguished ranking member for yielding time to me, Mr. Speaker.

Mr. Speaker, I rise to discuss the legislation before us, and strongly oppose the legislation. It will really do harm. There are 66,000 Americans now awaiting organ transplants. Thirteen people die every day waiting.

H.R. 2418 does not save lives. The bill is very bad health policy. It impedes the public access to lifesaving information. It provides a monopoly and unprecedented protections to the current private contractor, which I might add Forbes Magazine characterized as an outfit with life and death power over patients waiting for transplants, and it has evolved into a heavy-handed private fiefdom.

It removes itself from public accountability by delegating an improper amount of regulatory power and control over billions of taxpayer dollars. It gives it to a private contractor, which the Department of Justice considers unconstitutional. It contradicts the congressionally-mandated National Academy of Sciences' Institute of Medicine recommendations, and it is something which we should oppose.

Mr. Speaker, there is some small hope in the LaHood-Moakley-Rush-Peterson amendment which will be offered, and I ask my colleagues to support that amendment, which makes the data available to the public. It ensures broader sharing of organs and organ allocation decisions on medical necessity versus just the accident of geography. It provides a public accountability through Federal oversight. It does not squirrel away these decisions in the back rooms of private enterprise.

It establishes a scientific advisory board separate from this private organ contractor, and it would, indeed, make some small effort to make the bill before us more equitable and a more humane bill which would provide good health policies.

So please support the LaHood-Moakley-Rush-Peterson amendment, and oppose H.R. 2418 at final passage.

Mr. SPEAKER. More than 66,000 Americans currently await an organ transplant. Every day 13 people die waiting for an organ.

H.R. 2418 does not save lives. This bill is bad health policy.

Instead, H.R. 2418—Impedes public access to life saving comparative information about transplant centers.

Provides a monopoly and unprecedented protections to the current contractor (UNOS—the United Network for Organ Sharing) which Forbes magazine characterized as "an outfit with life-and-death power over patients waiting for transplants [that] has evolved into a heavy-handed private fiefdom".

Removes public accountability by delegating an improper amount of regulatory power and control over billions of taxpayer dollars to a private contractor—which DOJ considers unconstitutional.

Contradicts the Congressionally mandated National Academy of Science's Institute of Medicine (IOM) recommendations.

Protects special interests—plus those of both UNOs—with their headquarters in Representative BLILEY's district, and plus those of the transplant centers that fear decreased business or that their centers will close under a fairer system or broader organ sharing.

Mr. Speaker, the Scarborough/Thruman amendment nullifies the final organ allocation regulation published by the Secretary of Health and Human Services.

The Secretary published the final rule governing the organ procurement and transplant network (OPTN) on April 2, 1998. After 2 years of congressional delays, this regulation became effective last month.

The HHS regulation calls for more equitable sharing of too-scarce supply of organs and over much larger populations of people who need them.

As the final regulation states, it "does not establish specific allocation policies, but instead looks to the organ transplant community to take action to meet the performance goals"—a rule that the Washington Post today notes is "Hardly Draconian."

HHS oversight ensures that allocation policies are developed with the expertise and experience of patients and medical practitioners. When those allocation policies fail to achieve the ends envisioned by Congress—as is the case today—the Secretary can ensure these failures are corrected.

The final rule has been supported by the major transplant patient organizations, including the American Liver Foundation, Transplant Recipients International Organization and the National Transplant Action Committee.

However, the extent to which a government contractor has attempted to influence and undermine the legislative and regulatory processes is alarming. UNOS has spent patient listing fees on a lobbying and public relations smear campaign. UNOS' numerous efforts to derail the final rule have diminished public confidence in the organ allocation system.

Mr. Speaker, this amendment incorporates IOM recommendations to establish a fairer national organ allocation policy and to—make comparative data widely available to the public. Ensure broader sharing of organs and base organ allocation decisions on Medical Necessity vs. Accidents of Geography. Provide public accountability through Federal oversight. Establish a scientific advisory board, separate from the private organ contractor.

The current system has created great disparities in organ allocation and transplantation outcomes.

Last fall, HHS publicized comparative transplant center performance data showing that under the current organ contractor's policies, a patient's chance of receiving an organ transplant depends on geography, not on medical need. For example:

> In some areas of California, patients had a 71 percent chance of receiving a liver transplant within one year, whereas patients had only a 24 percent of receiving a liver transplant in other areas of the State.

In December 1999, the New England Journal of Medicine concluded that liver-transplantation centers in the U.S. that perform 20 or fewer transplantations per year have significantly higher mortality rates than those centers that perform more than 20 transplantations per year. This life-saving data must be widely available to the public. This amendment would ensure it is.

CONCLUSION

Our Nation's system must base transplant decisions on common medical criteria and pure professional medical opinion—not geography. Donated organs go to those with the most medical need.

Without the LaHood-Peterson-Rush-Moakley amendment, H.R. 2418 will permit these inequities and cause additional, needless deaths.

Knowing that a loved one's or your own organ will go to the patient who needs it most will help improve donation rates—something our Nation very much needs and one thing that everyone can agree on.

Most all of us are aware of the problem: the demand for organs exceeds the supply—ensuring fair allocation of these scarce organs even more important.

Unfortunately, H.R. 2418 is not the answer.

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

Mr. Speaker, I would just like to bring the Members' attention to an article in today's Washington Post titled, on the editorial page, ''New Round of Transplants.''

If I may read just from a portion of it, they say, ''The strange battle over who will control the distribution of transplanted organs continues to rage. The House is scheduled to vote today on an ill-advised bill to strip the Department of Health and Human Services of authority to set rules for the private contractors that manage the nation's transplants. This comes 18 days after an HHS regulation aimed at achieving more consistent and equitable policies finally went into effect after 2 years of heated opposition from the transplant network and its members.

''The HHS rule is hardly draconian. It merely calls on the United Network of Organ Sharing, UNOS, to develop policies that better spread the too scarce supply of transplantable organs over the much larger population of people who actually need them. Right now, each distribution center has its own waiting list, creating dramatic disparities in which organs often fail to reach those with the most urgent need.

''But many local transplant centers are fiercely territorial and fear losing business to a few large transplant centers at major hospitals. Since the HHS rule was proposed, nearly a dozen States have passed laws forbidding organs to be sent to recipients out of state; Wisconsin is suing to block a feared outflow to nearby Chicago. The national network, meanwhile, has several times persuaded Congress to put off the rule. Congress also commissioned a report from the Institute of Medicine, which made proposals similar to those of HHS.''

Mr. Speaker, I include this entire article for the RECORD.

The article referred to is as follows:

[From the Washington Post, Apr. 4, 2000]

NEW ROUND ON TRANSPLANTS

The strange battle over who will control the distribution of transplanted organs continues to rage. The House is scheduled to vote today on an ill-advised bill to strip the Department of Health and Human Services of authority to set rules for the private contractors that manage the nation's transplants. This comes 18 days after an HHS regulation aimed at achieving more consistent and equitable policies finally went into effect after two years of heated opposition from the transplant network and its members.

The HHS rule is hardly Draconian. It merely calls on the United Network for Organ Sharing (UNOS) to develop policies that better spread the too-scarce supply of transplantable organs over the much larger population of people who need them. Right now, each distribution region has its own waiting list, creating dramatic disparities in which organs often fail to reach those with the most urgent need.

But many local transplant centers are fiercely territorial and fear losing business to a few large transplant centers at major hospitals. Since the HHS rule was proposed, nearly a dozen states have passed laws forbidding organs to be sent to recipients out of state; Wisconsin is suing to block a feared outflow to nearby Chicago. The national network, meanwhile, has several times persuaded Congress to put off the rule. Congress also commissioned a report from the Institute of Medicine, which made proposals similar to those of HHS.

A pending Senate bill would incorporate those recommendations. The House bill would simply vaporize the HHS rule in favor of the prior system. The House should drop the effort and follow the Senate's lead.

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

Mr. Speaker, I urge support for a rule that made every effort to include all the serious discussion around this bill. This is a very important bill. All the issues that were brought before the committee have one way or another been allowed to be discussed and voted up-or-down on the floor.

I urge my colleagues to support the 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 resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 454 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2418.

□ 1143

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2418) to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

□ 1145

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

Mr. Chairman, I rise in support of H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999. It has been 2 years and 2 days since the Clinton administration issued its regulation on the Organ Procurement and Transplantation Network. Some claim that the regulation changed the HHS Secretary's oversight authority into a policymaking authority. Policy control of the network is not what Congress has ever intended and that is not what the law permits. The Organ Procurement and Transplantation Network was authorized by Congress to make decisions without political interference.

The decisions they make safeguard the interests of not just those who are presently on a waiting list for a life-saving organ but those unknown persons who will be placed on a waiting list in the future.

Mr. Chairman, H.R. 2418 would safeguard the independence of the network. It would also increase the level of accountability of the network by mandating timely reports on the performance of transplant centers within the network.

The bill includes an innovative enforcement mechanism that would mandate the payment of liquidated damages by transplant centers that try to cheat under the network rules.

I also applaud the provision that would offer assistance for living donors seeking to donate an organ to someone in another State.

H.R. 2418 will ensure that decisions regarding organ procurement are placed in the hands of the medical community, patients and donor families, as they have been for the past decade. The creation of a national registry, where organs are allocated to the sickest patients first, would increase wait list mortalities, waste organs and increase retransplantation rates.

The Federal Government is simply not equipped to make these decisions. The Institute of Medicine reported that the current system is basically fair. It achieves a balanced and fair distribution of organs for all who await a life-saving transplant while supporting the continuation of local transplant programs.

As we move forward to reauthorize the National Organ Transplant Act, let us not forget that some alternatives to this bill may have a very damaging effect on organ supplies. According to written testimony submitted to the Subcommittee on Health and Environment, Joseph L. Brand, chairman of the National Kidney Foundation stated that, and I quote, ''we believe that less patients would receive liver transplants if the OPTN were required to develop policies where organs are allocated to the sickest candidates first. Such candidates are likely to have poor outcomes and require repeat transplants. Thus, reducing the number of organs available for other candidates,'' unquote.

I urge Members of the House to join with me in voting for H.R. 2418 to safeguard those who wait for an organ transplant from even more uncertainty.

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

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

Mr. Chairman, today we are taking up H.R. 2418, legislation sponsored by my friends, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Texas (Mr. GREEN), which would reauthorize and amend the National Organ Transplant Act.

House leadership has decided to move this controversial measure even though the Senate is making real progress on legislation reflecting consensus between those who oppose and those who support H.R. 2418. Surely it is more important to get this legislation right than it is to get our two cents in before the Senate does. Yet here we are poised to vote on a measure that while promising should not be passed whole cloth.

In its current form, the President would likely veto H.R. 2418 or the courts would likely dismiss the legislation as unconstitutional. There are some beneficial aspects to H.R. 2418. One set of provisions would help States pay for transportation and other costs incurred by organ donors. Given the waiting list for donated organs, anything we can do to facilitate organ donation is certainly a positive step.

Unfortunately, though, Mr. Chairman, omitted from this bill are several key recommendations that the Institute of Medicine made after taking a close look at the current organ allocation system. The most alarming omission is not really an omission as much as it is a gift. It is a gift to the United Network for Organ Sharing, so-called UNOS, the private contractor managing the current organ allocation system. H.R. 2418 gives UNOS a virtual carte blanche to spend taxpayers' money and determine which individuals will receive donated organs and which individuals will not receive donated organs.

Under H.R. 2418, UNOS would have carte blanche to spend our money and to make these life and death decisions without taking the public views into account. As currently written, 2418 confers more power on UNOS than it does on its employer, and its employer happens to be the American taxpayer.

2418 undercuts the authority of the Secretary of the Department of Health and Human Services to represent the public interests in the development and the application of organ allocation policies. In other words, the public would have no say over public policy.

The Secretary's job is to protect and promote the public interest and our public health. The contractor, UNOS, the contractor's job is to protect and promote itself. Last year the Institute of Medicine took a good hard look at the Nation's organ allocation system and made several compelling recommendations. One of those recommendations was that the Federal Government must exercise more oversight over the organ allocation system to ensure that individuals in need of donated organs are treated fairly.

This bill, Mr. Chairman, goes in the opposite direction. I understand my colleagues, the gentleman from Illinois (Mr. LAHOOD), the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Illinois (Mr. RUSH) and the gentleman from Pennsylvania (Mr. PETERSON) will offer an amendment that would incorporate those Institute of Medicine recommendations into H.R. 2418, improving the bill measurably, recommendations like ensuring independent scientific review of organ allocation policies; of ensuring that organ allocation decisions are based on sound medicine and sound science; and ensuring that organ allocation decisions are equitable to people in this country; and ensuring that the Federal Government does its job and holds the Government contractor who works for taxpayers accountable for acting in the public's best interest. I strongly urge my colleagues to vote for this amendment.

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

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in support of H.R. 2418 because it keeps a promise made by Congress for the past 16 years to safeguard the independence of the Organ Procurement and Transplantation Network from political interference and control.

Ever since the National Organ Transplant Act of 1984 was enacted, Congress has recognized that experts at the forefront of changes in the medical profession and transplant community are best suited to adjust allocation policies in light of new technologies and new medical understanding.

Do we really want Federal bureaucrats making decisions about who gets these organs? What will keep the decisions being made from being political ones?

The congressionally created Organs and Transplant Network has worked, and it has worked in a nonpolitical way. The LaHood amendment, while well intentioned, would result in taking medical policy decisions out of the hands of doctors and placing them in the hands of bureaucrats. Medical decisions about organs are better left in the hands of health care professionals and transplant centers. That was the intent of the law when it was created in 1984 and remains so today.

Please join me in supporting H.R. 2418.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. BARRETT), a member of the Committee on Commerce.

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise today in strong support of H.R. 2418, and I say strong support even though I recognize that it is an imperfect solution to what I consider to be a horrible problem.

We have a serious problem in this country because the demand for organs is much greater than the supply, and there are essentially two ways to deal with that problem. One is for those areas of the country that feel that they do not have enough organs to essentially raid other parts of the country and try to grab those organs. The second option, and the option that I strongly prefer and I will have an amendment later addressing this, is to be aggressive and work together to increase the supply of organs. The problem with the Department's rule is that it defies the laws of economics. It assumes that economics is not involved in this fight when the reality is economics is at the core of this fight.

These are hospitals, these are businesses, big businesses, that are fighting over organs because organs, unfortunately in this context, equate with money. So there are situations like my State of Wisconsin that will see an essentially 30 percent drop in the number of organs available to them and my neighboring State of Illinois seeing a 30 percent increase.

Now, Chicago is 100 miles from Milwaukee, and it would not be that difficult for these patients to come to Milwaukee; but instead of trying to work together, what we see is we see from Wisconsin's perspective a raid, a raid on the fine job that we have done in Wisconsin to try to encourage more people to donate their organs. It defies logic to state that those areas of this country that have done a very good job, including my home State of Wisconsin, in developing an organ procurement network are going to continue working as hard as they have if they are going to see those organs leave the State.

We have to recognize some basic tenets of human nature; and one of those is, if one is allowed to keep the fruits of their labor, they are going to work harder. If the fruits of their labor are going to be sent to another part of this country, that increases the chances that they will not work as hard.

So I think that this bill, again, is an imperfect bill; but I think that the Department's response is in exactly the wrong direction.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I think it is important that we have a little perspective on why we are where we are. There is no question that this country had three or four major transplant centers that developed and perfected a lot of techniques, and then they asked doctors to come and offer their services for free to learn those techniques.

Know what? They did, and there are throughout this entire country now highly qualified, highly trained transplant surgeons in every State in the country.

Guess what happened? Now that they are as good as the transplant centers, the major transplant centers that pioneered this work, they are doing more transplants and all of a sudden the major centers do not have the organs with which to transplant because the people are being transplanted at home.

The purpose of this bill is to offset what I believe is a very unwise rule by Secretary Shalala. What this rule that is undergoing implementation as we speak will do will limit people in the outreaches of this country as far as transplants. They will have to live in an urban center, or they will have to move with their family to that urban center to achieve this.

This totally obviates the decision-making by health care professionals and their patients and puts bureaucrats in charge.

The HHS regulations are only going to shift organs around, and I think that is the important thing that needs to be noted. The real problem, this would not be a problem if there were an excess number of organs, and what it is going to do is the HHS rule defines the sickest patients as those that have been waiting the longest. They are not necessarily the truly sickest patients. So we are going to displace common sense, we are going to displace care and compassion, we are going to displace regional geographic quality and move organ transplantation back to the original centers of excellence when, in fact, the scientific studies say that the competing centers that they trained are doing as well or better in many instances.

In my home State of Oklahoma we have two centers of excellence for transplantation now, all of which received their training at one of these major pioneering centers. The fact is, the results are as good or better than those centers.

The other thing is, Oklahoma developed an organ donating network where we actually have an excess supply in our State now, more organs than what our citizens would supply. With this new rule, Oklahomans will not have the benefit of organs donated by their fellow citizens to another Oklahoman. Instead, a bureaucrat, influenced through the organization that the Secretary already controls, will then decide that people who offered the organs for donation will not benefit their fellow citizens.

I would ask that we support this bill and that the House come behind common sense and quality medicine.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, let me see if I can explain to the House what is going on here. We have a pretty good system now, and there is pretty good oversight. If we pass this bill today, we let one agency play God with transplants and where organs will go. I do not think anybody in America wants one group to decide where all the organs are going to go. We just do not. That is bad policy, with no oversight, no government oversight.

This notion that some bureaucrat is going to make the decision is nonsense. It is not going to happen. There was actually a study done that said that there should be some oversight so that one agency cannot play God about where organs should go.

□ 1200

If we talk to any family about the long waiting list, the anxiety, the frustrating, they will tell us that one agency should not have this opportunity.

There is a letter that I have here from the agency, the United Network of Organ Sharing. This is the agency that has the jurisdiction right now over this. Let me just read the first paragraph. This is a letter to the gentleman from Michigan (Mr. DINGELL).

This letter is dated March 15. It says, ''On behalf of the Board of Directors of UNOS, I am very pleased to inform you and the members of the Committee that Monday we approved a new and expansive National Liver Allocation Policy Development Plan. Clearly, this plan goes a long way in furthering UNOS' and the Department of Health and Human Services' mutual goal of fair and equitable organ distribution. In addition, UNOS and HHS are working closely together to ensure an effective and efficient implementation of Department's Final Rule set for March 16th, including its organ allocation provisions.''

Mr. Chairman, I include the March 15, 2000, letter and the Statement of Administration Policy for the RECORD as follows:

UNITED NETWORK FOR ORGAN SHARING,
Richmond, VA, March 15, 2000.

Hon. JOHN D. DINGELL,
Ranking Minority Member, House Committee on Commerce, Washington, DC.

DEAR CONGRESSMAN DINGELL: On behalf of the Board of Directors of the United Network for Organ Sharing (UNOS), I am very pleased to inform you and the members of the Committee that Monday we approved a new and expansive National Liver Allocation Policy Development Plan. Clearly, this plan goes a long way in furthering UNOS' and the Department of Health and Human Services' mutual goal of fair and equitable organ distribution. In addition, UNOS and HHS are working closely together to ensure an effective and efficient implementation of the Department's Final Rule set for March 16th, including its organ allocation provisions.

Our new Liver Allocation Policy Development Plan was produced after a series of joint meetings of the UNOS Liver and Intestinal Organ Transplantation Committee and the UNOS Pediatric Transplantation Committee. The Committees incorporated recommendations from the Institute of Medicine report on Organ Procurement and Transplantation as well as many thoughtful public comments. We genuinely believe that the resulting policy, after further refinement at a scheduled consensus conference of the transplant community on liver allocation, will reflect the principles and goals of the Secretary's Final Rule and fully represent the transplant community's interests in developing equitable and medically sound policies.

Major elements of the proposal include a plan for significantly refining urgency categories for Status 2A, 2B and 3 liver transplant candidates by implementing a new numerical scale which will more accurately represent the varying degrees of illness among these patients. We are also endeavoring to better predict pre- and post-transplant mortality and morbidity in order to make the most efficient use of the previous livers that do become available. Further, we will establish appropriately-sized organ allocation units for all organs, and improve policy compliance monitoring by implementing a system for prospective verification of liver patient listing and status code changes.

We are proud of the efforts of the many medical professionals from the transplant community who joined together to develop this new important policy plan.

We would like to thank you and the Committee members for your continued interest and support for the life-giving endeavor of organ and tissue transplantation.

Sincerely,

WILLIAM D. PAYNE M.D.,
President.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, April 3, 2000.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2418—ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK AMENDMENTS OF 2000

The Administration strongly opposes House passage of H.R. 2418, which would reauthorize the National Organ Transplantation Act (NOTA). H.R. 2418 raises serious Constitutional issues, would preserve existing inequities in the organ transplantation system, and could result in potential harm to patients. If H.R. 2418 were presented to the President in its current form, his senior advisers would recommend that he veto the bill.

The effects of the current organ allocation policies established by the Organ Procurement and Transplantation Network (OPTN) are inequitable because patients with similar severities of illness are treated differently, depending on where they may live or at which transplant center they may be listed. For this reason, the Department of Health and Human Services issued regulations, which became effective March 16th, that establish a framework for organ allocation policies, to be developed by the network, that are based on sound medical judgment, and that are fairer and more equitable for all parties. Unfortunately, H.R. 2418 would not result in a fairer system for all patients in this country. Rather, it is seriously flawed legislation because it:

Does not require the standardization of patient listing practices and broader sharing of organs, two items that the Administration and the Institute of Medicine consider essential to ensuring fairness in the system and optimal outcomes for patients.

Reduces the appropriate Federal role in overseeing the OPTN, despite the recommendation from an independent study required by Congress and conducted by the prestigious Institute of Medicine, that HHS should have the oversight responsibility ''to manage the system of organ procurement and transplantation in the public interest, and to ensure public accountability of the system.''

Inappropriately grants extraordinary powers to the private sector to approve the Federal contractor that manages the OPTN.

Raises serious constitutional concerns. It is a core constitutional value that politically accountable Executive Branch officers should make the important policy judgments necessary to implement a Federal regulatory scheme. For this reason, the bill's delegation of authority to a private party to establish standards governing organ transplants and transplant providers raises serious separation of powers concerns and would create a significant risk that a court might declare the bill unconstitutional.

The Administration could support the amendment offered by Representatives LaHood, Moakley, Rush, Peterson (John) and others. Similar to the current regulation, it reflects the recommendations made by the Institute of Medicine in its Congressionally mandated study of organ allocation policies and it strikes the proper balance between medical judgments being made by transplant professionals and the need for public accountability for tax payer funds. It articulates clear principles to guide organ allocation policy, designed to protect the interests of patients. It assures that data necessary to evaluate and improve the organ transplant system are provided to the public. It avoids the serious constitutional problems that are raised with H.R. 2418. Further, it promotes organ donation, the single most important factor in dealing with the shortage of transplantable organs. In sum, if Congress determines that legislation to update the National Organ Transplant Act is desirable, the amendment offered by Representatives LaHood, Moakley, Rush, Peterson (John) and others represents a thoughtful legislative response.

The Administration urges the Congress to develop NOTA reauthorization legislation that better reflects the recommendations of the Institute of Medicine and that results in a fairer transplantation system for all patients in this country and their families.

Mr. Chairman, so what we have got on the floor today is a bill in spite of the fact that these two agencies, HHS and UNOS, are working together. Congress is going to say, well, the heck with that, we want to give it to one agency. We want to tell families all over America that one agency gets to play God.

Now, here is what happens if this bill passes. We go back to the Mickey Mantle mentality of organ transplants. If one is somebody important, if one has a high profile, if one is an important person in America, one gets the organ. If one is just a common, ordinary citizen, one agency decides it. That is wrong.

We should not be administering health care, passing laws that distribute organs in this kind of a fashion in America. We have got a system whereby the Department of Health and Human Services will have oversight.

So what I am saying today is we have got an amendment, it is a good amendment, offered by the gentleman from Chicago, Illinois (Mr. RUSH), the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Pennsylvania (Mr. PETERSON) that simply says that HHS should have some responsibility.

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

Mr. LAHOOD. Absolutely. I am happy to yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, can the gentleman from Illinois name me one instance where a person got an organ out of order.

Mr. LAHOOD. Yes, Mr. Chairman, I can. If the gentleman from Virginia (Mr. Bliley) will yield me 2 minutes, we will proceed.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I go back to the notion that there have been high-profile people who have been given organ transplants out of order, and I mentioned one already.

Mr. BLILEY. Mr. Chairman, if the gentleman will yield, Mickey Mantle did not get his organ out of order.

Mr. LAHOOD. Mr. Chairman, everybody in America knows that there are long waiting lists for these organs, long waiting lists. People wait years, and sometimes they die before they get their organs. But if one is a high-profile person, perhaps one moves up on the list.

We have a good system in place, and that system says we have got the agency, but we also have got jurisdiction from a Federal agency that deals out the money.

Who protects the taxpayers in these instances? Does one agency just happen to have the responsibility, and the taxpayers are not protected? What is wrong with having HHS as a part of the responsibility to oversee? We do it in all other areas. Can the gentleman from Virginia explain to me why we would not do it?

Mr. BLILEY. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. BILIRAKIS), chairman of the Subcommittee on Health and Environment.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, the gentleman from Illinois talks about one agency. One Department I guess is okay, but one agency is not okay. I am not sure really what agency he is referring to.

I introduced this bill with the gentleman from Texas (Mr. GREEN) to reauthorize the National Organ Transplantation Act and to promote efforts to increase the supply of organs available for transplantation. The bill was passed by the subcommittee and then later on by the full Committee on Commerce approved by voice vote in October.

I was here when the gentleman from Massachusetts (Mr. MOAKLEY) made the comments that this bill intends to strip HHS of its authority. Well, I am here to say to the gentleman that this bill actually will leave the status quo alone. The HHS does not have the authority. It is HHS which is trying to strip the authority away from the States, if you will, and from the network and from the regions.

It was HHS, despite the fact that everything has been working and working well, that chose to take organ allocations away from the medical community and from the patients and from the donor families, as Congress intended.

Now, there has been testimony in hearings and whatnot, and there is an article in the Washington Post back in 1996 about a particular person, and I wish the gentleman from Illinois (Mr. LAHOOD) would listen to this, a particular individual, a Pittsburgh real estate agent who has real estate and property management dealings with the University of Pittsburgh Medical Center. He is also, as I understand it, a very close friend, this comes from the Post now, I am paraphrasing, of President Bill Clinton since their days at Georgetown. Okay.

The university apparently, according to the Post, asked this person to intercede with administration regarding this particular issue because they were afraid that they had a genuine reluctance, to use the words in the Post's article, to get involved. According to the Post, this September 30 letter got results.

According to these and other reports, President Clinton directly raised this issue with Secretary Shalala; and in November, she wrote Mr. So and So, explaining the Department would hold hearings or look into this situation.

According to Transplant News, October 31, 1996, which is a commercial news letter of the transplant community who wrote this letter, the letter clearly represents the arguments of the University of Pittsburgh Medical Center.

I want to say right now the University of Pittsburgh is my alma mater. When they are right, they are right. When they are wrong, they are wrong.

The article goes on to state, this gentleman outlined the University of Pittsburgh Medical Center's position that livers should be allocated ''to the sickest patients in the largest possible geographic area where the organ can be transported and remain in good condition to be transplanted.''

I think we have to ask ourselves, is the Government, is this bureaucracy up here equipped to make these decisions? Do we want the Government, the same administration which determined who should be buried in Arlington Cemetery as a result of politics, do we want politics determining life and death matters? I think not. I think not.

The bill directs the Secretary to carry out a program to educate the public with respect to organ donation and, in particular, the need for additional organ transplantation.

The bill acknowledges the advances of medical technology that have enabled a transplantation of organs donated by living individuals to become a viable treatment option for an increasing number of patients.

It reauthorizes the act which was enacted to provide for the establishment and operation of a network, and the bill clarifies that the network is responsible for developing, establishing, and maintaining medical criteria.

Mr. Chairman, these experts are at the forefront of changes of the medical profession. The gentleman from Oklahoma (Mr. COBURN) referred to them. They said in the American Society of Transplant Surgeons letter last year, and I quote them, ''an important step forward,'' referring to this bill, ''in setting forth principles to guide the functioning of a fair and equitable Organ

Procurement Transplantation and Transplantation Network in the 21st Century.''

The question of how to allocate a limited supply of organs among individuals in need of a transplant is extremely serious with life or death consequences, as I have already said, for the patients affected. Their lives should not be subject to the whims of the political process or the judgments of government bureaucrats with little or no experience in the field of transplantation.

We also should remember that many States, my State of Florida, Texas, so many others, have very successful programs to encourage organ donation; and those have been developed at the State level.

So there is an incentive to say to a fellow Floridian or fellow Texan or whatever the case may be that your organ will in all probability be used in this State or in this particular region, provided that there is a category 1 or category 2 patient that needs the particular organ. Of course it will be moved to another region if, in fact, there is not.

The program in Florida operated by LifeLink has increased donations by almost 50 percent in the last 3 years alone. We cannot interfere with that.

Mr. Chairman, I stand before you today to ask my colleagues to join me in supporting passage of H.R. 2418, the "Organ Procurement and Transplantation Network Amendments of 1999."

I introduced this bipartisan bill with Congressman GENE GREEN to reauthorize the National Organ Transplantation Act and promote efforts to increase the supply of organs available for transplantation. H.R. 2418 was passed by my Health and Environment Subcommittee last September, and the full Commerce Committee approved the bill by voice vote in October.

This legislation addresses a serious national health concern. Quite simply, we do not have enough organs to satisfy the demand for those in need of a transplant.

By even the most optimistic estimates, anticipated increases in organ supply are not projected to meet demand. This year, about 20,000 people will receive organ transplants—but more than 40,000 will not. In the last decade alone, the waiting list for transplants grew by over 300 percent. This is literally a matter of life and death for tens of thousands of Americans each year.

My bill directs the Secretary of Health and Human Services to carry out a program to educate the public with respect to organ donation and, in particular, the need for additional organs for transplantation.

The bill acknowledges the advances in medical technology that have enabled the transplantation of organs donated by living individuals to become a viable treatment option for an increasing number of patients. It specifically recognizes the generous contribution made by each living individual who has donated an organ to save a life. It also authorizes grants to cover the costs of travel and subsistence expenses for individuals who make living donations of their organs.

In addition, H.R. 2418 reauthorizes the National Organ Transplant Act, which was enacted to provide for the establishment and operation of an Organ Procurement and Transplantation Network. The bill clarifies that the Network is responsible for developing, establishing and maintaining medical criteria and standards for organ procurement and transplantation.

Mr. Chairman, those experts at the forefront of changes in the medical profession are best suited to adjust policies in light of new technology and medical understanding. In a letter last year, the American Society of Transplant Surgeons (ASTS) identified the bill as "an important step forward in setting forth principles to guide the functioning of a fair and equitable Organ Procurement and Transplantation Network in the 21st Century."

This legislation recognizes that decisions regarding organ procurement and transplantation are best left to the medical community—as Congress intended in passing the National Organ Transplant Act in 1984. It will ensure that organs are distributed based on sound scientific principles—without regard to the economic status or political influence of a recipient.

The question of how to allocate a limited supply of organs among individuals in need of a transplant is extremely serious—with life-or-death consequences for the patients affected. Their lives should never be subject to the whims of the political process or the judgments of government bureaucrats with little or no experience in the field of transplantation.

This point was reinforced by a letter I received last year from Kathy Gibson, a 49-year-old constituent who received two kidney transplants in one year. The second transplant, which was a success, followed an unsuccessful first transplant using her husband's kidney. Kathy received her second kidney through LifeLink Foundation, a nonprofit community service entity in Tampa, Florida, that operates four of the nation's 62 organ procurement organizations. She wrote to tell me how grateful she was for LifeLink's assistance, saying: "I have nothing but good things to say regarding my transplant team from Tampa General Hospital and LifeLink Transplant Institute . . . they found me the gift of life."

H.R. 2418 was drafted with people like Kathy Gibson in mind. By promoting efforts to increase organ donation around the country, it will help ensure that there is an adequate supply of organs for every patient who needs a transplant.

We should remember that many successful programs to encourage organ donation have been developed at the state level. In my home state of Florida, the organ procurement program operated by LifeLink has increased donations by almost 50 percent in the past three years alone. Organ allocation policies should not penalize states like Florida that have worked hard to increase the supply or organs available for transplantation. Instead, we should encourage other states to become more pro-active in support of organ donation initiatives.

To aid those efforts, H.R. 2418 authorizes the Secretary to establish a public education program to raise awareness of the need for organ donations. It also authorizes grants to public and nonprofit private entities to conduct studies and demonstration projects focused on providing for an adequate rate of organ donation.

Mr. Chairman, H.R. 2418 represents an important step forward in increasing the supply of organs available for transplantation. I urge all of my colleagues to support passage of this critical measure.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), ranking member of the Committee on Commerce and the Dean of the House.

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

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time. Mr. Chairman, I rise in opposition to H.R. 2418, and I urge my colleagues to vote against this bill and to vote for the Moakley-LaHood amendment. That will give us a decent proposal.

This bill is founded on deceit, misrepresentation, and falsehood by a rather shoddy, shabby contractor who seeks an absolute monopoly over the handling of organs in this Nation and which seeks as contractor to be totally exempt from the controls that the Federal Government would impose on any other contractor. In addition to that, it seeks to have itself fixed in a position where it can never be replaced. That is what is at the bottom of this bill. Anybody who does not know that is not a very good reader of legislation.

Now, having said that, let me tell my colleagues something else. UNOS, which is the contractor, seeks to use a rather unfortunate situation where there is a shortage of organs to put themselves in a place where they can now dictate to the whole Nation. This situation with regard to organs is a very bad one. There is wide disparity in availability of organs in different parts of this country. People are dying because of that situation. Healthy people are getting organs before they need them, and the very sick are not getting organs before they die. If my colleagues like that situation, this is a bill that they should support. If they do not, then they have no choice but to oppose it.

The organ procurement legislation before us is nothing more or less than a perpetual employment and protection from public oversight act to take care of UNOS. Now, while the bill has a few worthy provisions, H.R. 2418 perpetuates an allocation system that the Secretary of Health and Human Services has found to be inequitable and inefficient. African Americans, for example, wait twice as long for kidneys as Caucasians. Is this something which encourages organ donation? I think not.

H.R. 2418 will return us to the days before the National Organ Transplant Act was enacted in 1984. The organ allocation system was a balkanized patchwork of regions based on political and geographical considerations as well as amorphous understandings. The map of these regions makes gerrymandered congressional districts look not only fairly neat, but also elegant by comparison.

This legislation, as I said, would strip HHS of virtually all authority. It

leaves UNOS totally in charge of the organ allocation system. It is in contrast and in open conflict with a number of State statutes. No one believes that a situation of allocation based on State boundaries is in the best interest of the patients. But that is what we will be left with if H.R. 2418 is enacted, with all of the hardships that that will entail for people who are dependent on organ transplants for life itself.

It also puts UNOS on top of HHS. The contractor will be dictating to the Government and in a fashion which, very frankly, does not represent the best interests of the public. In so doing, it allows State hoarding laws to trump even UNOS's version of broader sharing.

So if my colleagues want to take care of the sick and the needy and those who need organs, then they must vote against this legislation.

Now, notwithstanding the Organ Transplant Act's clear directive to promote a more fair and efficient national organ allocation system, progress has been slow, and frustrations are properly felt. But that is, in good part, for two reasons. One, because UNOS has not done the job that it should; and, two, because there is a distinct shortage of organs available to the people who have needed them.

The act was designed so that the Secretary of Health and Human Services could work through a private contractor. That is good. The organ procurement transplantation network has expertise in the field of organ allocation. This contractor is and always has been UNOS of Richmond, Virginia. I would note it has not done a very good job in the public interest. It has fought the Secretary every step of the way. Indeed, it has sought to terminate the Secretary's power to issue regulations.

It has done worse than that. It has taken steps to set itself firmly as the everlasting contractor who will handle organs allocation. UNOS has engaged in an unprecedented lobbying campaign against any changes in its allocation policies. It has also misrepresented the positions of the Secretary. It is a very deceitful institution.

Let us note the regulation which is in question. It tells UNOS to propose an improved allocation system. That is all the Secretary wants it to do. But this is anathema to UNOS, and it is something which this Congress cannot permit.

There is more bad to be said about UNOS, and there is more bad to be said about this legislation.

Mr. BLILEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, I come up in opposition to the rule; and because of that, I am for the bill. The rule is a power grab. The bill is a continuation of where this Congress has been for the past 16 years. The bill continues to safeguard this network that ensures that the States still have some responsibilities, some incentive, some reason for their State to do a better job of procuring organs than other States. If we take that out of the system, we really lose a lot of the success of this system.

Whenever one talks to people about where their organs will be used if they are given as part of their final decision making, they are more receptive to those organs being used close to home if there is a need close to home. I would like to see a list that the gentleman has of healthy people who are getting organs when sick people are not. I think this will help this debate. I believe this is not happening in this system today.

In 1990, Senator ALBERT GORE testified before a subcommittee of the Health and Environment Committee. Senator GORE attacked HHS's bureaucratic interference with the independence of the organ procurement and transplant network.

□ 1215

He testified that the career bureaucrats were interfering with the network's policymaking efforts. In fact, he charged that HHS bureaucrats teamed up in an attempt to remove all policymaking authority from the network in contradiction to the law.

Even a stopped clock is right twice a day. Senator GORE was right in 1990. We are right today if we pass this bill.

Mr. BROWN of Ohio. Mr. Chairman could you let each side know how much time we have?

The CHAIRMAN. The gentleman from Ohio (Mr. BROWN) has 16½ minutes remaining, and the gentleman from Virginia (Mr. BLILEY) has 15½ minutes remaining.

Mr. BROWN of Ohio. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague, our ranking member on the Subcommittee on Health and Environment, for yielding me this time, particularly since he knows we are on opposite sides on this issue.

Mr. Chairman, in Texas we have a saying, ''If it ain't broke, don't fix it.'' Our current system is not broke. It needs to have a tune-up, but it is not broke, and the HHS rules go much too far.

I am proud to be an original cosponsor of this bill, because I believe it would move forward the debate on the crucial issue of organ transplant policy. While I strongly support the legislation, I am also concerned about our timing today. I know we are trying to work out a compromise. Our colleagues on the Senate side, Senator FRIST and Senator KENNEDY, are working on this and are meeting with organ transplant representatives to hammer out a compromise. I am hoping our actions today do not jeopardize real bipartisan solutions that are being developed. Hopefully, this bill today will move this issue forward.

There is plenty of room for compromise on both sides. We all agree that medicine and science, not politics, should oversee our Nation's organ transplant policy. Yet we are not seeing much sign of compromise from the administration on this issue. The Department of Health and Human Services' final amended rule on organ transplantation is a farce. It does not move enough from the original proposal. Likewise, those in the organ community, who refuse to budge an inch toward compromise, are simply stalling the process in an unproductive waste of time.

The organ transplant surgeons in Houston and experts in Houston and the surrounding area have done a good job of contributing to the debate. They are willing to approach the matter in a deliberative and sensible manner. They simply want what is best for their patients and their community. Like me, I believe that the HHS regulation could leave small- and medium-sized transplant centers at a significant operating disadvantage, which will ultimately cause them to shut their doors, leaving thousands of needy patients few options except to go to the larger centers.

H.R. 2418 contains many good initiatives. It goes beyond organ allocation policies to deal with the related issues, not only how organs are allocated but the number we have to allocate. The legislation creates a new $5 million grant program to pay for travel and other expenses for living organ donors. It authorizes $2 million for carrying out studies and demonstration projects that will increase organ donations, and it requires the network to work actively to increase the supply of donation of organs.

Mr. Chairman, the concern I have is that we may lose the success in some States with a higher percentage of organ donations. Walking over here I had a discussion with a colleague of mine from Wisconsin who said that Wisconsin does a great job in trying to increase organ donations, yet some other States may not. So what we will see is some State doing a great job having their organ donations transferred to somewhere else that is not doing a good job.

That is why this bill is needed and why it is so important, Mr. Chairman. I regret that HHS has chosen to force the new regulations on the transplant community that nearly unanimously rejected them. If we continue to stalemate, no one will benefit. That is why we need to move forward with this legislation and hopefully come up with a compromise.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. BRYANT), a member of the committee.

Mr. BRYANT. Mr. Chairman, Congress should pass this legislation today because it reauthorizes the National Organ Transplant Act of 1984. Back then, Congress in its wisdom set up a private partnership between the medical community and patients. Congress

decided that the difficult decisions, the medical decisions involving the allocation of scarce organs should be made by this private partnership and not by government officials. That is the way the system has worked very well for 15 years.

This legislation does give the Secretary of HHS some oversight authority, and that is how it should be. But this bill leaves the real medical decision making about who gets organs firmly within the transplant community, which is exactly where it belongs.

I urge my colleagues to strongly support H.R. 2418, as it is the right bill at the right time.

Mr. BROWN of Ohio. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 2418, the "Organ Procurement and Transplantation Network Amendments," a measure that I am cosponsoring.

This legislation, H.R. 2418, would re-authorize the National Organ Transplantation Act, which was enacted to provide for the establishment and operation of an Organ Procurement and Transplantation Network. This Network would be responsible for developing, establishing and maintaining medical criteria and standards for organ procurement and transplantation. This bill would also promote efforts to increase the supply of organs available for transplantations.

Every year, more than 20,000 people receive organ transplants in the United States. While we have made great strides in providing these life-saving procedures, only one in three candidates for organ transplants actually undergo surgery. In the last decade alone, the waiting lists for transplants have grown by over 300 percent. The key to solving the organ allocation crisis is to increase the supply of donor organs. H.R. 2418 encourages organ donation through new, innovative programs aimed at increasing the number of living donors and recognizing organ donors and their family members.

This legislation, H.R. 2418, would require the Secretary of Health and Human Services (HHS) to create a program to educate the public with respect to organ donations. This bill would also authorize a new grant program to cover the costs of travel and subsistence expenses for individuals who make living donations of their organs. In addition, H.R. 2418 acknowledges the advances in medical technology that have enabled transplantation of organs donated by living individuals to become a viable treatment option for an increasing number of patients.

This bill also provides some much needed clarification to the relationship between HHS and the Organ Procurement and Transplantation Network (OPTN) to reflect what Congress intended when it first established the network in 1984. Congress has consistently recognized that the management and formulation of organ donation and transplantation policies are best left in the hands of those who are directly affected—the medical community, patients and donors. The original 1984 legislation provided for a network that is a private sector entity receiving HHS assistance relative to contract funding. The 1984 law did not authorize HHS to establish medical criteria or policies for the network. This measure insures that organ allocation policies are decided locally.

Therefore, Mr. Chairman, I urge the Congress to pass this valuable legislation which not only promotes organ donation but also assures that those with medical expertise can work with patients, donors and their family members to develop the best organ policy.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3¼ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, let me give some background on this issue. In the mid-1980s, we did not have any Federal involvement in this area, and we found that there was an ad hoc region-to-region system in place to procure organs and to distribute them. So we adopted a law to set up a national organ recruitment and distribution system so that anyone in this country would have a fair chance to get an organ when they needed that transplantation. The biggest problem we have in this country is we do not have enough organs for all the people that are waiting.

Now, this national law was created to establish a national system, and wherever an individual lived they would not be penalized because they lived in a particular location. We wanted this distribution system; and to work it all out, the government contracted with an organization called UNOS. UNOS is a private organization. They have a government contract to set up this system. Now, UNOS is a private organization, but they are supposed to be working on behalf of the public.

The Secretary proposed some changes on the allocation system to make it more equitable nationally. UNOS did not like that, and they spent a lot of their money lobbying against it. They argued that what is happening is there is a top-down system being put into place, and they stirred a lot of commotion against the administration's original proposal.

Well, after that proposal was offered, the Institute of Medicine did a study. They evaluated the situation and they came up with some good recommendations, which are part of the LaHood amendment, which I will be supporting later. The bill before us is not to incorporate the constructive proposals, but it is to say the original proposal of the Secretary was not good, the subsequent proposal we are not even going to look at, and we are going to turn the whole system over to UNOS, and UNOS will run it and UNOS will not have to be accountable to anybody.

They will, in effect, be the ones to take the place for the protection of the public interest. But there will be no public accountability on behalf of UNOS. UNOS would have veto power over every single aspect of our Nation's organ allocation system, everything from who gets an organ, who does not, to how it spends the fees patients have to pay UNOS to get an organ. UNOS could spend all its fees on expensive trips lobbying Congress or a new $7 million headquarters that they are actually talking about spending money on, and the American public would be powerless to stop them.

I think this bill is fatally flawed. We should never contract with a group and then turn over to them all this power. I think it is probably unconstitutional, but it is certainly a bad idea. Let us make sure that UNOS works for us and we do not just work for UNOS. What we want is a fair, equitable system.

Ironically, UNOS, on March 15, 2000, wrote to the gentleman from Michigan (Mr. DINGELL) saying UNOS and HHS are working closely together to ensure an effective and efficient implementation of these rules, including an organ allocation provision. Why should we step in now and say we are not going to let the Secretary be involved, we will just let UNOS decide this policy on their own?

I urge opposition to the bill.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the chairman for yielding me this time.

As I suspected, today there is a lot of testimony aimed primarily at muddying the water. Let me boil this bill down, this good bill, to two simple facts.

Fact number one: Back in 1984, Congress tried to take politics out of this process and turned decision making over to health care professionals. That is this entity we keep hearing about, UNOS, as though it is some alien creature.

UNOS is comprised of health care professionals in this field. Now, unfortunately, the bureaucracy is striking back and wants to repoliticize the process.

Fact number two: There is a tremendous shortage of organs nationwide. But some States, like my home State of Wisconsin, are doing a great job through public education and have a high percentage of organ donations. Unfortunately, the bureaucracy wants to punish States like Wisconsin, which is doing a good job, and wants to put them down and send the organs elsewhere. Only in Washington would this make sense to some people.

Fact number one: Let us keep politics out of this process. Fact number two: Let us reward States that are doing a good job. Please support this bill.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

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

As a physician, I rise to register my strong opposition to H.R. 2418 and in support of the revised regulations that were established by the Department of

Health and Human Services which seek to address the inequities that exist in the current transportation policies. That is why I support the Moakley-LaHood-Peterson-Rush amendment.

The only determining factors that should be taken into account when deciding who gets a transplant and when is availability of the needed organ and medical necessity. We cannot allow that determination to be based on where one lives. That would not have helped my constituent, Vincent George, or the many others who are alive today because they were lucky enough to get an organ when it was medically necessary.

Mr. Chairman, people of color right now do not have equal access to organ transplantation. While I commend the sponsors of this bill for creating new incentives to encourage people to become organ donors, I cannot believe, as the supporters of this bill would have us to, that a person willing to be a donor would not want that organ to go to the person who needs it most.

This bill is seriously flawed because it ignores the recommendation of the independent study authorized by this body that there be Federal oversight of the OPTN, and also because it does not require standardization of patient listing practices and broader sharing of organs, which is essential to ensuring fairness in the system and optimal outcome for patients.

We cannot run the risk of allowing profit motives or politics to impact in any way in the organ allocation process. We must act to promote and protect the public health. I ask that the bill H.R. 2418 be opposed and that my colleagues support the access of all of the people of this country to a transplant whenever it becomes medically necessary no matter where they live. The Department must have oversight. I support the LaHood-Moakley-Rush-Peterson amendment.

Mr. BLILEY. Mr. Chairman, I yield myself 1 minute, because I am confused.

Some of my colleagues on the other side of the aisle, my ranking member, the gentleman from Michigan (Mr. DINGELL), and my good friend, the gentleman from California (Mr. WAXMAN), are saying that we should let the Secretary make these decisions as to where these things should go. Well, just a few months ago they were here on the floor arguing overwhelmingly for the Dingell-Norwood bill saying just the opposite; that when we have medical decisions they should be made by medical people, not by bureaucrats.

□ 1230

It is somewhat confusing. I also heard that healthy people are getting organs before the sick but that, yet, nobody can come forward with any names. We had the great baseball player Mickey Mantle mentioned. He had cirrhosis of the liver. He was a category three. As he got sicker and sicker, he moved up to category two, finally up to category one when he got his liver. He did not go to the head of the line.

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

Mr. BROWN of Ohio. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. BLILEY) has 12½ minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 7¾ minutes remaining.

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

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

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

Mr. BACHUS. Mr. Chairman, I love this body because we start off talking about all sorts of esoteric comments and then, as the debate narrows, we really get to what the issue is.

As the gentlewoman from the Virgin Islands (Ms. CHRISTENSEN) says, I support HHS; I support Donna Shalala. I believe that she ought to set policy and procedure for organ transplants.

Those of us who support H.R. 2418 think it ought to be where it has been for the last 16 years, with the medical community, with the transplant community, with the donors, with their families, with the professionals.

That is all this vote is about: Do we give oversight to the Federal Government, do we involve the bureaucracy, or do we allow the medical community to make medical decisions?

There are problems with the system. There is a shortage of organs. H.R. 2418 addresses that. But we have no shortage of Federal bureaucracy in the system. Let us keep it out. Let us keep it the best system in the world where it is today. Let us keep the government, let us not make it a Federal Government system. Let us keep it in the organ transplant community where the vast majority of medical professionals and patients and their families and volunteers say it ought to be.

Mr. Chairman, I support H.R. 2418 because I believe organ transplant science and organ transplant policy in the United States is the very best in the world. The bill before us today is designed to build on the achievements made since passage of the original National Organ Transplant Act in 1984, legislation that set up the current system for organ transplant policy in the United States.

You will hear today from others who will argue that they have a better plan. One that would give the Federal Government more control over transplantation. Unfortunately, their proposals would wrest authority from the very people, the organ transplant community, who are responsible for the modern system of organ transplantation that has saved thousands of lives.

The transplant community, not the Federal Government, was given this responsibility, under the 1984 NOTA law, because Congress believed that those who are on the front lines know what the best transplant policy should be, and because new developments and breakthroughs in medical science could quickly be implemented into the system. That is why we have the best transplant system in the world and that is why we need to continue to develop transplant policy in the private sector transplant community.

What we should do today is support H.R. 2418 because it is the one bill that recognizes the contributions made by the thousands of patients and their families, volunteers, and medical professionals that make up the transplant community. It keeps transplant policy decision-making in the private sector and it focuses on the real problem in transplant policy, the shortage of organs.

Since 1984, the number of people receiving organs has increased each year. In 1998, more than 21,000 Americans received the "Gift of Life." Unfortunately, donation rates are not keeping up with the demand for transplants and it is imperative that we in Congress do everything we can to encourage more organ donation. That is what H.R. 2418 seeks to do. I urge my colleagues to support this bill.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, there is a great misapprehension about what is going on here. The only thing that the Department of HHS has suggested to the UNOS people is that they should come forward with new allocation policies which are fair.

Now, why is that necessary? First of all, it is necessary to consider the fact that some patients are sick and are going to die if they do not get an organ transplant. There is also the need to consider the disparity that exists between minority groups and Caucasians. Unfortunately, minority groups are not infrequently waiting longer than are Caucasians.

It is also true that, under the allocation system now in place by UNOS, we are finding there are major differences between different parts of the country. For example, in two major liver transplant centers in Kentucky, one transplant center has waiting times of 38 days and the other 226 days. That needs to be addressed. In Louisiana, in one center it is 38 days. In another it is 226. In Michigan, the difference is 161 days and 401 days.

Imagine if one lives in the State where the wait is longer and imagine then what their vote would be on this particular piece of legislation. Because, in those areas, sick people are dying because they are not being fairly treated. That is what is at stake.

HHS has called on UNOS to come forward with a newer, fairer, better allocation system. And that is what UNOS is rejecting, and that is why we are opposing this particular legislation. We think that this should be done in a fair fashion and done under the direction of the Secretary, not under the direction of a self-serving contractor.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I rise today in support of this legislation. I do so both from a personal

standpoint and from a public-policy standpoint.

When I served in the Oregon legislature, I worked hard to reform our anatomical donation process so that everybody on their Oregon driver's license can list this on the back; so, indeed, if they are killed, they are immediately available if they want to have their organs transplanted.

I stand here today as a father whose son died waiting for a heart transplant. He never received that transplant but was in line to. He died before we had the opportunity to get him to where he could get that.

I want medical professionals making this decision, not the agency that brings us HCFA and regulations and bureaucracy. I want an effort that causes other people to sign up to be donors and to be active in this process to give the gift of life. That is best done through this legislation, Mr. Chairman.

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

Mr. BLILEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. BLILEY) has 9½ minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 6¼ minutes remaining.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I support this bill. This bill will stop a power grab by the administration, one of the most distasteful power grabs that we have seen.

The administration says the Federal Government should decide and control what happens to their body when they die. If they want to donate an organ, then Uncle Sam's bureaucrats will take over to decide what is going to become of their heart, their kidneys, their liver; and they will decide who can get a transplant and who cannot.

It is tough enough for doctors and hospitals to have to make that decision on medical judgment. We do not need bureaucrats making it instead. So this most personal decision would become a Federal issue. States right now go to great lengths to encourage people to be organ donors.

Some, like Oklahoma, are very successful in this effort with driver's licenses and other ways of indicating their desire. Other States, well, they do not have as much success so they want the administration to help them, to help them reach over to where there are people willing to make organ donations and reach over and grab those and take them to where they want them, all through a Federal power grab, not by encouraging more people to donate but by saying, we are going to reach in and take from where people have a successful program underway.

Now, if their State wants a different system, then their State ought to have the ability to do so. Who says the Federal Government is in charge of everybody when we die? Who? Not me. Not the Constitution.

Do not let this power grab happen. Unless we pass the bill, Federal bureaucrats will become the masters of what happens to our bodies when we die: our lungs, our heart, our kidney, our liver, whatever it may be. It has to be approved by the Federal Government before we can be an organ donor. Stop the power grab. Do not cut off the incentive for the States. Support this bill.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Pennsylvania (Mr. MASCARA).

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

Mr. Chairman, I rise today to express my opposition to H.R. 2418, the Organ Procurement and Transplant Network Amendments of 1999.

This misguided approach to addressing our Nation's organ-sharing needs goes against logic. The current system is not working, and the bill preserves the status quo. An estimated 68,000 Americans are on the waiting list for an organ transplant. A new person is added to the list every 16 minutes, and each day 10 to 12 people die while still waiting for a transplant.

Last year, Congress asked the Institute of Medicine to examine the current organ-sharing system. The IOM report clearly supported restructuring the current system to be more responsive to the needs of the public. The bill does nothing to accomplish that.

I ask my colleagues to support the LaHood-Moakley substitute amendment and oppose H.R. 2618. Let us fix the organ-sharing system to help our Nation's sick, not hurt them.

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

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding me the time, even though we may disagree on this policy.

Mr. Chairman, I rise to state that this bill needs further work. We have an amendment a little later that will do that.

I want to share with my colleagues from the Forbes report. Last year 485,000 Americans died while waiting for transplants. This does not even count people pulled off the list after they became too sick to handle a transplant.

It is a matter of debate how much lower the number of deaths would be if the system for obtaining and allocating organs were more rational, said the Forbes record, more rational.

The next one they stated, most doctors involved in the business fear offending UNOS lest their organ supply be affected. We have a system that has our physicians afraid to speak up for fear they will not get organs. We have heard today that it should be a totally independent network. And I say, responsible to whom? Show me anything that should not be responsible to somebody.

We also heard today that the sickest candidates first would cost lives. I am waiting for that evidence. I am waiting, because I believe that is a mistake, anybody who made that statement.

It says the decision should be in the hands of doctors and not in the hands of bureaucrats. Share with me, also, how urging the system to have a fair allocation system puts anything in the hands of bureaucrats. We are asking them do it a little better. We should.

I also heard today that all transplant centers in all States are all equally successful. Well, I want to share with my colleagues today, if they are going to have an organ transplant, look at how often they do it. Look at their success rate. My colleagues, they vary.

Each of us hope we never need an organ transplant. But we sure hope that economics should not rule over good medical decisions.

The amendments we are going to get will take what this bill bypassed, the report that was given to us by the Institute of Medicine. Allocation policies should be based on sound medical principles and valid scientific data. Allocations should be designed to share organs over as broad a geographical area as possible. It did not say how. It did not say how far. It said as far as possible.

I live 50 miles from a State border. I would hate to think because I live 50 miles outside of the State next to me I might not get an organ or somebody in that State might not get an organ because they were 50 miles outside of that State.

My colleagues, we need medical principles driving the system. There are huge flaws in the system. The legislation that is before us gives almost no oversight to anybody to the system.

We do not want bureaucrats; nobody wants bureaucrats making decisions. And bureaucrats will not make decisions. We, as a Congress, cannot let them make decisions. But we need economics not to drive this system. We need good medicine to drive this system. And if they do, we will amend this bill later and improve it.

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

Mr. Chairman, I would like to first reiterate as we close this debate the opposition to this bill from the administration and the belief from the Department of Justice that this bill is unconstitutional.

The Statement of Administration Policy says, ''The Administration strongly opposes House passage of H.R. 2418. It raises serious constitutional issues, would preserve existing inequities in the organ transplantation system, and could result in potential harm to patients. If H.R. 2418 were presented to the President in its current form'' it says in this Statement of Administration Policy, ''his senior advisors would recommend that he veto the bill.''

In a letter from the Justice Department to the Speaker of the House, the Assistant Attorney General writes, ''We believe that to the extent Congress intends to insulate the Network's

exercise of policy-making authority from the Secretary's supervision, the proposed legislation raises significant constitutional concerns. Nevertheless, even if the courts were to sustain the legislation in the face of a constitutional challenge, we would strongly oppose the bill's restrictions. As the bill seeks to remove from the executive branch important oversight functions, it appears to constitute a substantial and unnecessary intrusion into the executive branch's role of implementing Federal regulatory programs and to compromise the core governmental value of political accountability for policy decisions affecting the public.''

Mr. Chairman, I am pleased to hear my Republican colleagues talk over and over about how we should leave it to the medical profession to make medical decisions. We on this side wholeheartedly agree and are glad to see our colleagues finally coming around.

For the past 3 years, we have been concerned that HMO bureaucrats are making medical decisions, not doctors, and have been working with the gentleman from Georgia (Mr. NORWOOD) to change that.

We have a piece of legislation, the Patients' Bill of Rights, which would fix this problem and allow physicians with their patients to make these decisions. This bill is now in conference. My colleagues' words today give many of us on this side encouragement that we can actually achieve success in the conference committee on the Patients' Bill of Rights in this very important issue.

Mr. Chairman, this legislation in front of us today is fundamentally flawed. It turns our organ allocation system from representatives of the public, our elected and appointed officials, who are charged with representing the public and advocating and protecting the public interest, it turns those decisions over to a private bureaucratic organization which, in the end, has no real accountability to taxpayers.

Mr. Chairman, I urge my colleagues to follow the recommendations from the Institute of Medicine. I urge my colleagues to vote ''yes'' on the LaHood amendment, and I urge my colleagues to vote ''no'' on the underlying legislation.

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

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

Mr. Chairman, in closing, I would like to make three points why we should adopt this legislation. First of all, one of the speakers just recently in the well says there is nothing here to stop these people from making decisions, we just want them to make better decisions.

Well, who is to determine whether they make better decisions? Bureaucrats at HHS, not medical people, not doctors. They are the ones that would be making the decisions.

Congress, when we passed this originally, said, we want these decisions which most often determine life and death to be made by medical people devoid of politics. And that is why the overwhelming reason why we should adopt this bill.

We then heard about the Justice Department and questioning the Constitution. Well, does the sick chicken case still rule the roost?

The Department of Justice questions whether delegating public policy to a private entity violates the Constitution and whether Schechter Poultry Corporation v. United States (295 U.S. 495 (1935)) still serves as a barricade.

In 65 years, the court has not struck down as unconstitutional any such delegation. And, indeed, the late Justice Thurgood Marshall once wrote, ''The notion that the Constitution narrowly confines the power of Congress to delegate authority to administrative agencies, which was briefly in vogue in the 1930s, has been virtually abandoned by the Court for all practical purposes.''

□ 1245

These are red herrings, Mr. Chairman. This is a good bill. The gentleman from Oklahoma (Mr. ISTOOK) put it right. What this is is a power grab on the part of the administration to reward a couple of institutions to the detriment of the States. We should enact this resolution, and we should oppose the LaHood amendment.

Mr. SPENCE. Mr. Chairman, I am pleased that the House will today consider H.R. 2418, the ''Organ Procurement and Transplantation Network Amendments.'' I am proud to be a cosponsor of this important measure, and I rise in unequivocal support.

My friends at the United Network for Organ Sharing (UNOS) tell me that I am probably the longest living double lung transplant recipient in the world. My successful surgery, like the successful surgery that has been performed on other recipients more than 200,000 times since the early 1980's, was made possible by the hard work and dedication of this nation's transplant community. I am alive today because of the countless doctors, nurses, transplant coordinators, and other dedicated individuals who worked tirelessly for my survival. This is, indeed, a remarkable group of people.

These are the same people to whom Congress gave the enormous responsibility of operating the Organ Procurement and Transplant Network (OPTN) when organized in 1985. They have responded with the enthusiasm and dedication we expected, freely contributing more than 1.5 million man-hours to the effort. The result of their collective labors is a transplant system that is the envy of the world. It is fair, objective, and it is in the proper hands—the doctors, patients, donor families, and other experts who care most.

We suffer from a tragic shortage of organs. I commend Secretary Shalala for her attention to the important issue of organ donation. However, I fear that the plan promulgated by the Department of Health and Human Services (HHS) would not have the intended effect. Instead, the HHS plan would remove an integral element of the organ donor network—the intimate and private relationship between transplant professionals, patients, and donor families. The focus must be placed on increasing organ donation and organ donor awareness nationwide. H.R. 2418 addresses this problem by directing the Secretary to carry out a program to educate the public with respect to organ donation, with particular emphasis on the need for additional organs for transplant. I am also pleased to learn that this measure would authorize grants to cover the costs of travel and subsistence expenses for individuals who make living donations of their organs.

Mr. Chairman, it is vitally important that Congress reauthorize the NOTA. We must also ensure that the decision making process remain in the hands of the experts directly involved in the transplant community. I urge my colleagues to join me in supporting the ''Organ Procurement and Transplantation Network Amendments.''

Mr. POMEROY. Mr. Chairman, I rise in opposition to H.R. 2418, the Organ Procurement and Transplantation Network Act. I strongly support efforts to increase the number of organ donors and the supply of organs available for transplantation. I also believe that medical decisions should be made with input from the medical community. In trying to address these issues, however, H.R. 2418 brings up questions of constitutionality, competition, and financial abuse.

This measure would give the United Network for Organ Sharing (UNOS), the current Organ Procurement Transportation Network (OPTN) contractor, broad regulatory authority. It takes away all meaningful oversight from the Department of Health and Human Services, placing functions of a ''scientific, clinical, or medical nature'' within the sole authority of the OPTN. According to the Department of Justice, this raises ''significant constitutional concerns.'' A private entity cannot be granted regulatory authority without executive involvement.

H.R. 2418 also raises serious concerns regarding competitive practices. This measure would require that any new contractor selected by the Department of Health and Human Services to run the OPTN must receive the written endorsement of a majority of the network's contractors. This requirement protects UNOS, the long-standing contractor, from competition and violates the Federal Acquisition Regulation which mandates competition in all government contracts.

Our country has had a long-standing ban on the sale of organs, a ban that could be compromised if H.R. 2418 were to become law. The measure allows the OPTN to accept ''gifts of money or services'' from patients on transplant waiting lists, but fails to state that preferential treatment may not be given to these patients on the basis of their gifts. In effect, these patients could ''buy'' their way up the list and into a transplant for the right price.

Finally, I am concerned by a current trend among states to pass laws that give priority in organ transplantation to state residents over out-of-states residents, regardless of medical necessity. While we must continue to encourage organ donation nationwide, our intent must be to serve those with the greatest needs.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999 and in support of the amendment offered by Representatives LAHOOD, MOAKLEY, RUSH and JOHN PETERSON.

Without this bipartisan amendment, H.R. 2418 will result in needless deaths and is bad health policy.

More than 66,000 Americans currently await an organ. Every day about 13 people die waiting for a transplant. If we want to save lives, or nation's organ allocation system must be improved—unfortunately, H.R. 2418 is not the answer.

Organ allocation policies established by the United Network for Organ Sharing (UNOS), the current private contractor in charge of distributing organs procured for transplant, are inequitable. Under UNOS' system, patients with similar severities of illness are treated differently depending on their location. UNOS' system relies more on geography than medical urgency; consequently, organs are offered first to people in a local, regional area and only when there are no local patients available is the organ offered to sicker patients on a broader level. This means that some of the most deserving patients will not receive an organ solely because of where they live or where they seek treatment—which often times is a managed care plan's decision. H.R. 2418 would preserve these existing inequities.

In addition to permitting such inequities, H.R. 2418 has many other flaws. The President's senior advisors will recommend that he veto the bill in its current form. H.R. 2418 would strip public accountability over the nation's organ allocation system and give power to a private contractor—a delegation of federal authority that the Department of Justice cited as raising ''constitutional concerns.'' This bill would also provide the current, private contractor (UNOS) with a monopoly over the organ procurement contract, and contradict the recommendations recently set forth by the Institute of Medicine.

Further, H.R. 2418 protects centers from releasing comparative transplant center information to the general public and eliminates the scientific registry that currently provides this data. Last fall, the Department of Health and Human Services (HHS) publicized transplant center performance data. This comparative information includes all patients who came onto the transplant waiting list between April 1994 through the end of 1997. Although this data was adjusted to correct for differences in the severity of patient illness, the data still revealed a wide disparity in transplant center outcomes nationwide.

For example, the data show that under the current organ contractor's policies, a patient's chance of receiving an organ transplant depends on geography, not on medical need. For example, in some areas of California, patients had a 71% chance of receiving a liver transplant within one year, whereas patients had only a 24% of receiving a liver transplant in other areas of California.

In December 1999, the New England Journal of Medicine concluded that liver-transplantation centers in the U.S. that perform 20 or fewer transplantations per year have significantly higher mortality rates than those centers that perform more than 20 transplantations per year. If enacted, H.R. 2418 would make it difficult for patients to access such life-saving information about transplant centers.

In addition, H.R. 2418 contradicts the Congressionally-mandated National Academy of Science's Institute of Medicine (IOM) report. In 1998, Congress delayed Health and Human Service (HHS) regulations intended to improve organ allocation and transplantation nationwide and called upon the IOM to study the current system. The IOM's July 1999 report overwhelmingly supports the HHS regulations and directly contradicts H.R. 2418 provisions. For example, the IOM called for increased federal (HHS) oversight over the organ allocation system. In contrast, H.R. 2418 constitutes an unprecedented attempt to give a federal contractor control over life-and-death health care policy decisions as well as control of more than billions in taxpayer dollars—with no meaningful oversight by the government.

The HHS organ allocation regulation attempts to move to a system based on medical necessity instead of geography, with medical professionals making medical decisions about the best way to allocate the limited number of donated organs. The newly revised rule incorporates comments and recommendations from the IOM, UNOS, transplant and advocacy communities, patients, and the general public to ensure the neediest patients receive organs first—regardless of where they live. Further efforts to delay this rule will only cause needless deaths.

H.R. 2418 ignores the impartial view of the IOM scientists whereas the HHS regulation incorporates the impartial recommendations of the scientific community. In fact, a January 14, 2000 issue of Science magazine reports that IOM scientists had found no evidence supporting the objections raised against the HHS final regulation. The IOM found no evidence that distributing organs across broader areas might force smaller transplant centers to close, nor that broader allocation would drive down donation rates. And the IOM found no evidence that minorities and economically disadvantaged patients would be adversely affected by broader sharing of organs.

Also, the Science article concluded that Congress has continued to struggle with the federal regulations and ''the House Commerce Committee has approved a bill (H.R. 2418) which sides with opponents of the regulation and ignores the IOM recommendations for enhanced government oversight.'' Members should oppose H.R. 2418 and ensure that the Administration is permitted to implement the IOM-supported HHS organ allocation regulation.

The bipartisan amendment offered by Representatives LAHOOD, MOAKLEY, RUSH and JOHN PETERSON incorporates IOM recommendations to establish a fairer national organ allocation policy. This amendment would provide public accountability through meaningful federal oversight to ensure broader sharing of organs and assure that organ allocation decisions are based on medical necessity and not accidents of geography. This amendment would also make data widely available to the public and establish a scientific advisory board that is separate from the private organ contractor. The current organ allocation and transplantation system has created great disparities in organ allocation and transplantation. This amendment would end such unfairness.

A system that offers a level playing field to all patients no matter where they live is in everyone's best interest—medical urgency rather than geography should be the determining standard.

Oppose H.R. 2418 as well as any efforts to remove the Secretary's legitimate oversight authority and to give a private contractor a monopoly over the nation's organ allocation program. And support a fairer allocation system that bases transplant decisions on common medical criteria and pure professional medical opinion. The LaHood-Moakley-Rush-Peterson amendment will make these improvements a reality.

Mr. TERRY. Mr. Chairman, I rise in opposition to H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999.

The University of Nebraska Medical Center in my District is one of the premier organ transplantation centers in the country. Gifted and dedicated doctors and surgeons at this center have performed more than 2,800 organ transplants on patients from all fifty states. They are recognized as world leaders for their exceptional success with high-risk liver transplants.

But there are simply not enough organs available to help all the terribly sick people who come to the Medical Center. And H.R. 2418 would make sure it stays that way.

Until this year, organs were allocated by geography instead of medical necessity. Transplant patients were placed on waiting lists that prioritized who gets organs first by state, then region, and lastly by nation. This geographical approach did not help the sickest patients get transplants. And it went against the intent of Congress that all Americans should be treated equitably.

The Secretary of Health and Human Services tried to increase organ sharing in 1998, but Congress delayed this plan until last year by asking for a study from the National Academy of Sciences. When this study came back, it supported the Secretary's efforts to allocate organs based on medical necessity. H.R. 2418 ignores this recommendation, and eliminates oversight and accountability of the organ network. This would make it even more difficult for main transplant centers like the Nebraska University Medical Center to get the organs needed to help patients. Without the Secretary's organ sharing plan, each patient who comes to the center for help is a big fish in a very small pond of ''Nebraska-only'' organ donors.

Mr. Chairman, it is imperative that precious, life-saving organs be allocated by medical necessity, not geography. I oppose H.R. 2418, and strongly urge my colleagues to do the same so sick and dying patients can get the organ transplants they need to live.

Mr. DAVIS of Virginia. Mr. Chairman, I rise today in support of H.R. 2418 the Organ Procurement and Transplantation Network Amendments of 1999. I feel very strongly about the importance of supporting the transplant community in their important life-saving work and am proud to have signed a pledge to be an organ donor myself.

My own sister-in-law was blessed with a second chance in life when she was fortunate enough to receive a successful kidney transplant. The lives of more than 20,000 men, women and children are now saved each year by liver, kidney, pancreas, heart, lung, intestine, eye and tissue transplants.

On April 2, 1998, Labor Health Services Secretary Shalala issued a regulation that would result in an unprecedented federal takeover of the organ transplant system. On three separate occasions, Congress imposed a moratorium that spanned almost two years. Now

that the moratorium has expired, and the final HHS rule has become effective, I am deeply concerned that the new rule will penalize patients in states, such as Virginia, which have been successful in increasing organ donation, by forcing the shipment of locally-procured organs out-of-state or even across the country. We must now act quickly to ensure that our successful organ transplant program is not harmed.

H.R. 2418 will ensure that decision-making regarding organ transplantation will remain, as originally intended under the National Organ Transplant Act, within the transplant community. The distribution of organs should be based on medical criteria established by the Network and not by the political forces that have tainted the promulgation of this new rule. It is the medical profession and transplant community that should be the authority in determining how to adjust allocations policies to account for new technology and new medical innovations.

Unfortunately, not every person in need of an organ or tissue is able to receive a life saving transplant. One American dies every three hours because of a shortage of donor organs, and nearly 50,000 Americans are on a national register awaiting organ and tissue transplants. The key to solving the organ allocation crisis is to increase the supply of donor organs. H.R. 2418 also addresses this problems by creating new incentives for people to become organ donors. Furthermore, this bill provides for studies to discover innovative and successful approaches to organ recovery and donation around the country.

I commend Chairman BLILEY, Chairman BILIRAKIS, and Representatives PALLONE and GREEN for their efforts in bringing this critical piece of legislation to the floor. And I urge my colleagues to vote in support of H.R. 2418 to ensure that life and death decisions involved in organ transplantation remain in the hands of the transplant community and the medical professionals involved in transplantation every day.

Mr. RILEY. Mr. Chairman, I rise today in support of H.R. 2418. This important legislation addresses a serious health concern—the shortage and accessibility of donor organs for transplantation.

Mr. Chairman, in my home state of Alabama, we have about 1,600 people currently awaiting an organ transplant. For many of these people, time is running out. However, instead of attempting to help them, the Department of Health and Human Services is playing unfairly with their lives.

H.R. 2418 will fix this dilemma in several ways. First, it will keep decisions about organ transplants in the hands of the local medical community, like the professionals at the University of Alabama at Birmingham, and away from Washington bureaucrats. Second, the legislation will encourage more people to donate their organs because they will be able to help those in their community first.

Mr. Chairman, it is clear that places like UAB can serve those needing organ transplants much better than HHS. I urge my colleagues to support this legislation and do our part to help them as well.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

H.R. 2418

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 ''Organ Procurement and Transplantation Network Amendments of 1999''.

SEC. 2. FINDINGS.

(a) IN GENERAL.—The Congress finds as follows:

(1) It is in the public interest to maintain and improve a system for promoting and supporting a central network in the private sector to assist organ procurement organizations and transplant centers in the distribution of organs among transplant patients and the provision of organ transplantation services, and to assure quality and facilitate collaboration among network members and individual medical practitioners participating in network activities.

(2) The Organ Procurement and Transplantation Network (''Network''), which was established in the private sector pursuant to a contract awarded by the Federal Government, should continue to be operated by a nonprofit private entity pursuant to a contract with the Federal Government.

(3) The Federal Government should continue to provide Federal oversight of and financial assistance for the services provided by the Network.

(4) The responsibility for developing, establishing, and maintaining medical criteria and standards for organ procurement and transplantation belongs in the private sector and is a function of the Network.

(5) The Federal Government should assist the efforts of the Network to serve patient and donor families in procuring and distributing organs.

(6) The Federal Government should carry out programs to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.

(b) SENSE OF CONGRESS REGARDING FAMILY DISCUSSIONS OF ORGAN DONATIONS.—The Congress recognizes the importance of families pledging to each other to share their lives as organ and tissue donors and acknowledges the importance of discussing organ and tissue donation as a family.

(c) SENSE OF CONGRESS REGARDING LIVING DONATIONS OF ORGANS.—The Congress—

(1) recognizes the generous contribution made by each living individual who has donated an organ to save a life; and

(2) acknowledges the advances in medical technology that have enabled organ transplantation with organs donated by living individuals to become a viable treatment option for an increasing number of patients.

SEC. 3. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

(a) IN GENERAL.—Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended to read as follows:

''ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK

''SEC. 372. (a) IN GENERAL.—The Secretary shall by contract provide for the continuing operation of an Organ Procurement and Transplantation Network (in this section referred to as the 'Network'), which contract shall be awarded to a nonprofit private entity that has expertise and experience in organ procurement and transplantation. The Network shall meet the following requirements:

''(1) The Network shall be an independent, nonprofit private entity that is a separate legal entity from the entity to which such contract is awarded.

''(2) The Network shall in accordance with criteria under subsection (b)(3) include as members qualified organ procurement organizations (as described in section 371(b)), transplant centers, and other entities that have a demonstrated interest in the fields of organ donation or transplantation. (Such members are in this section referred to as 'Network participants'.)

''(3) The Network shall have a board of directors (in this section referred to as the 'Board'). The Board shall, after consultation with Network participants, establish the policies for carrying out the functions described in this section for the Network.

''(4) The Board shall be in accordance with the following:

''(A) The Board shall include representatives of qualified organ procurement organizations, transplant centers, voluntary health associations, and the general public, including a reasonable proportion of the members of the Board who are patients awaiting a transplant or transplant recipients or individuals who have donated an organ or family members of patients, recipients or donors.

''(B) The Board shall establish membership categories and qualifications with respect to serving on the Board, and shall have exclusive authority to admit individuals to membership on the Board. Transplant surgeons and transplant physicians shall comprise not less than 50 percent of the membership of the Board. The Board shall be limited to a total of 42 members.

''(C) The Board shall have an executive committee, and such other committees as the Board determines to be appropriate.

''(D) The chair of each such committee shall be selected so as to ensure the continuity of leadership for the Board.

''(b) GENERAL FUNCTIONS.—The following applies to the Network:

''(1) The Network shall establish and operate a national system to match organs and individuals who need organ transplants, especially individuals whose immune system makes it difficult for them to receive organs.

''(2) The national system shall maintain one or more lists of individuals who need organ transplants, shall be operated in accordance with established medical criteria, shall be operated through the use of computers, and may function on a regionalized basis.

''(3) The Network shall establish criteria for being a Network participant, shall establish medical criteria for listing patients and for allocating organs, and shall provide to members of the public an opportunity to comment with respect to such criteria.

''(4) The Network shall maintain a twenty-four-hour telephone and computer service to facilitate matching organs with individuals included in the list.

''(5) The Network shall assist organ procurement organizations in the distribution of organs. The distribution of organs shall be based on medical criteria established by the Network, and also shall be based on equity and ethics without regard to economic status of those awaiting organ transplants and without political control or influence.

''(6) The Network shall adopt and use standards of quality for the acquisition and transportation of donated organs, including standards regarding the transmission of infectious diseases.

''(7) The Network shall prepare and distribute, on a regionalized basis (and, to the extent practicable, among regions or on a national basis), samples of blood sera from individuals who are included on the list and whose immune system makes it difficult for them to receive organs, in order to facilitate matching the compatibility of such individuals with organ donors.

''(8) The Network shall coordinate, as appropriate, the transportation of organs from organ procurement organizations to transplant centers.

''(9) The Network shall work actively to increase the supply of donated organs.

''(10) The Network shall establish criteria, policies, and procedures to address the disparity in mortality rates between children and adults while waiting for organ transplants.

''(c) SCIENTIFIC REGISTRY.—

''(1) IN GENERAL.—The Network shall maintain a scientific registry of patients awaiting organ transplantation, persons from whom organs are removed for transplantation, and organ transplant recipients for the ongoing evaluation of the scientific and clinical status of organ transplantation.

''(2) REPORTS.—The Network shall prepare for inclusion in the report under section 375 an analysis of scientifically and clinically valid information derived from the scientific registry under paragraph (1).

''(d) INFORMATION AND DATA.—

''(1) IN GENERAL.—The Network shall—

''(A) provide information to physicians and other health professionals regarding organ donation and transplantation; and

''(B) collect, analyze, and annually publish data concerning organ donation and transplantation.

''(2) INFORMATION FOR PATIENTS AND GENERAL PUBLIC.—The Network shall make available to patients in need of organ transplants information in accordance with the following:

''(A) The information shall be transplant-related information specific to transplant centers that are Network participants, which information has been determined by the Network to be scientifically and clinically valid.

''(B) The information shall be designed to assist patients and referring physicians in choosing a transplant center, including information on the supply of and demand for organs.

''(C) With respect to the patient involved, the information shall (taking into account patients in similar medical circumstances) include the following as applied to specific transplant centers:

''(i) The probability of receiving an organ transplant.

''(ii) The length of time that similarly situated patients have waited historically to receive a transplant.

''(iii) Medical outcomes for similarly situated patients, which information shall be adjusted to reflect the medical risk factors for such patients.

''(D) With respect to the patient involved, the information shall include the information described in subparagraph (C) as applied to the service areas of specific qualified organ procurement organizations (other than such areas in which there is only one transplant center).

''(E) Information under this paragraph shall be updated not less frequently than once a year.

''(3) ANNUAL PUBLIC REPORT.—The Network shall annually make available to the public a report on the overall status of organ procurement and transplantation.

''(4) CONFIDENTIALITY.—Except for the release of information that is authorized under paragraph (2) or (3) by the Network, neither the Network nor the Secretary has authority to release the following information (unless authorized in writing by the patient or other entity with which the data is concerned):

''(A) Information that permits direct or indirect identification of any patient who is waiting for a transplant, or who is an organ transplant patient or recipient of an organ.

''(B) Information that permits direct or indirect identification of any potential or actual organ donors.

''(C) Information that permits direct or indirect identification of participants in Network deliberations or determinations related to practitioner or institutional qualifications, due process proceedings or peer review activities, except for information announcing final decisions of the Network.

This paragraph may not be construed as prohibiting the disclosure of information within the Network, including information disclosed in the course of interactive organ sharing operations within the Network.

''(e) STUDIES.—

''(1) IN GENERAL.—The Network shall carry out studies and demonstration projects for the purpose of improving procedures for organ procurement and allocation, including but not limited to projects to examine and attempt to increase transplantation among populations with special needs or limited access to transplantation, and among children.

''(2) CERTAIN TECHNOLOGIES.—The Network may study the impact of possible transplantation of animal organs (xenotransplantation) and other technologies to determine the impact upon, and prevent negative effects on, the fair and effective use of human allograft organs.

''(f) QUALITY ASSURANCE; MONITORING OF NETWORK PARTICIPANTS.—The Network shall monitor the operations of Network participants to the extent appropriate for determining whether the participants are maintaining compliance with criteria under subsection (b)(3). In monitoring a Network participant under the preceding sentence, the Network shall inform the participant of any findings indicating noncompliance by the participant.

''(g) QUALITY ASSURANCE; PEER REVIEW PROCEEDINGS.—

''(1) IN GENERAL.—The Network shall develop a peer review system for assuring that members of the Network comply with criteria under subsection (b)(3).

''(2) NONCOMPLIANCE.—

''(A) PAYMENT OF DAMAGES.—The Network shall require that, as a condition of being a Network participant, each such participant agree that the Network may, through a peer review proceeding under paragraph (1), require the participant to pay damages for the failure of the participant to comply with criteria under subsection (b)(3). The Network shall establish procedures to ensure that such proceedings are conducted in an impartial manner, with adequate opportunity for the Network participant involved to receive a hearing. The Network shall identify various types of violations of such criteria and specify the maximum amount of damages that the Network may under this subparagraph require a Network participant to pay for the type of violation involved.

''(B) RESTRICTING ACCESS TO ALLOCATION SYSTEM.—If under subparagraph (A) it has been determined that a Network participant has engaged in substantial violations of criteria under subsection (b)(3), the Network may restrict the extent to which such participant is permitted to receive allocations of organs through the Network.

''(C) STATUS OF NETWORK PARTICIPANTS WITH RESPECT TO VIOLATIONS.—Subject to paragraph (3), the Network may take actions to make the public aware of the extent to which a Network participant has been required to pay damages under subparagraph (A) or has been the subject of restrictions under subparagraph (B).

''(3) CONFIDENTIALITY.—With respect to a peer review proceeding under paragraph (1), neither the Network nor the Secretary has authority to release data or information to the public relating to the proceedings without the written permission of all the parties involved, except that if damages under paragraph (2) are required to be paid, the requirement may be publicly announced after the conclusion of the proceeding.

''(h) ADMINISTRATIVE PROVISIONS.—

''(1) LIMITATION ON AMOUNT OF CONTRACT.—The amount provided under a contract under subsection (a) in any fiscal year may not exceed $6,000,000 for the operation of the Network, including the scientific registry under subsection (c). Such limitation does not apply to amounts provided under the contract for increasing organ donation and procurement.

''(2) RELATIONSHIP BETWEEN SECRETARY AND NETWORK.—The administrative and procedural functions described in this section for the Network shall be carried out in accordance with the mutual agreement of the Secretary and the Network. For purposes of the preceding sentence, functions that are scientific, clinical, or medical in nature are not administrative or procedural functions and are within the sole discretion of the Network. With respect to the programs under titles XVIII and XIX of the Social Security Act, this section may not be construed as having any legal effect on such programs, except to the extent that section 1138 of such Act, or any other provision of such Act, provides otherwise.

''(3) NONFEDERAL ASSETS OF NETWORK.—

''(A) IN GENERAL.—No assets in the possession of the Network or revenues collected by the Network, other than amounts appropriated under section 378, shall be considered or be treated as Federal property, Federal revenues, or program funds pursuant to a Federal contract, nor shall such assets, revenues, or nonappropriated funds be subject to restriction or control by the Secretary, nor shall any member of the Network be required by the Secretary to pay any fees to the Network, nor shall the Secretary be authorized to collect or authorize collection of service fees with respect to the Network or the scientific registry under subsection (c).

''(B) GIFTS.—This section does not prohibit the Network from accepting gifts of money or services, including gifts to carry out activities to provide for an increase in the rate of organ donation.

''(4) COMMUNITY ENDORSEMENT OF CONTRACT RECIPIENT.—In the case of any contract under subsection (a) that is awarded after the date of the enactment of the Organ Procurement and Transplantation Network Amendments of 1999, the Secretary shall select an applicant to receive the contract from among applicants that have the written endorsement of a majority of the combined total number of transplant centers and qualified organ procurement organizations that are Network participants (without regard to whether such centers or organizations endorse more than one applicant for the contract).

''(5) CHANGE IN CONTRACT RECIPIENT.—With respect to the expiration of the period during which a contract under subsection (a) is in effect, if the Secretary makes a determination to award the contract to a different entity than the entity to which the previous contract under such subsection was awarded, the Secretary shall publish in the Federal Register a notice that such change in the administration of the Network will take place, and the change may not take effect any sooner than the expiration of the six-month period beginning on the date on which the notice is so published. Such a change does not affect the membership status of any Network participant, or the membership status of any individual who serves on the Board (other than any membership position that is predicated solely on being a representative of the current contractor under subsection (a)).

''(i) ADDITIONAL PROCEDURES REGARDING OVERSIGHT AND PUBLIC ACCOUNTABILITY.—For purposes of providing oversight of and public accountability for the operation of the Network, the Secretary shall establish procedures for—

''(1) conducting public hearings and receiving from interested persons comments regarding criteria of the Network and critical comments relating to the manner in which the Network is carrying out its duties under this section;

''(2) providing such comments to the Network and receiving responses from the Network; and

''(3) the consideration by the Secretary of such comments.

''(j) EVALUATIONS BY GENERAL ACCOUNTING OFFICE.—

''(1) IN GENERAL.—The Comptroller General of the United States shall periodically conduct

evaluations of the Network, including the structure and function of the Network and the relationship between the Secretary and the nonprofit private entity that under subsection (a) operates the Network. The first such evaluation shall be completed not later than one year after the date of the enactment of the Organ Procurement and Transplantation Network Amendments of 1999, and such an evaluation shall be completed not later than every second year thereafter.

''(2) INPUT FROM FIELD.—In conducting evaluations under paragraph (1), the Comptroller General shall consult with organizations that represent transplant surgeons, transplant physicians, transplant centers, and qualified organ procurement organizations, and with other experts in the field of organ transplantation, including experts who are not members of the Board of the Network or of the executive structure of the contractor under subsection (a) .

''(3) PROCEDURES OF NETWORK.—The Network shall establish procedures for coordinating with the Comptroller General for purposes of evaluations under paragraph (1).

''(4) REPORTS TO CONGRESS.—

''(A) COMPTROLLER GENERAL.—The Comptroller General shall prepare reports describing the findings of evaluations under paragraph (1) and shall submit such reports to the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The Comptroller General shall provide a copy of each such report to the Network.

''(B) NETWORK.—Not later than 180 days after the date on which a report is submitted under subparagraph (A), the Network shall submit to each of the committees specified in such subparagraph a report describing any actions the Network has taken in response to the report under subparagraph (A).''.

(b) RULE OF CONSTRUCTION.—The amendments made by this Act may not be construed as affecting the duration of the contract under section 372 of the Public Health Service Act that was in effect on the day before the date of the enactment of this Act.

SEC. 4. ADDITIONAL AMENDMENTS.

(a) IN GENERAL.—Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended—

(1) by striking section 373;

(2) in section 374—

(A) in subsection (b)(1), by inserting after ''organization'' the following: ''and other organizations for the purpose of increasing the supply of transplantable organs'';

(B) in subsection (c), by striking ''or 373'' each place such term appears; and

(C) in subsection (d), by amending paragraph (2) to read as follows:

''(2) The term 'organ', with respect to transplantation into humans, means the human or other animal kidney, liver, heart, lung, pancreas, and any other organ (other than human corneas and eyes) specified by the Secretary by regulation. For purposes of section 372(c), such term includes bone marrow.'';

(3) in section 375—

(A) in paragraph (1), by striking ''this part'' and inserting ''this section''; and

(B) in paragraph (4)—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) in subparagraph (B) (as so redesignated), by striking ''comparative costs and patient outcomes'' and inserting ''comparative patient outcomes'';

(4) in section 376—

(A) by striking ''the Secretary'' and inserting ''the Organ Procurement and Transplantation Network under section 372''; and

(B) by striking ''Committee on Energy and Commerce'' and inserting ''Committee on Commerce''; and

(5) by striking section 377.

(b) REDESIGNATIONS.—Part H of title III of the Public Health Service Act, as amended by subsection (a) of this section, is amended by redesignating sections 374 through 376 as sections 373 through 375, respectively.

(c) PERFORMANCE STANDARDS.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by moving subparagraph (F) (as so redesignated) two ems to the left; and

(3) by inserting after subparagraph (C) the following:

''(D) notwithstanding any other provision of law, has met the other requirements of this subsection and has been certified or recertified by the Secretary as meeting the performance standards to be a qualified organ procurement organization through a process which—

''(i) granted certification or recertification within the previous 4 years with such certification in effect as of October 1, 1999, and remaining in effect through the earlier of—

''(I) January 1, 2002, or

''(II) the completion of recertification under the requirements of clause (ii); or

''(ii) is defined through regulations promulgated by the Secretary not later than January 1, 2002, which—

''(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

''(II) rely on performance measures that are based on empirical evidence of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

''(III) provide for the filing and approval of a corrective action plan by a qualified organ procurement organization that fails to meet the performance standards and a grace period of not less than 3 years during which such organization can implement the corrective action plan without risk of decertification; and

''(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;''.

SEC. 5. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION.

Part H of title III of the Public Health Service Act, as amended by section 4(b) of this Act, is amended by inserting after section 375 the following section:

''PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION

''SEC. 376. (a) IN GENERAL.—The Secretary may make awards of grants or contracts to States, transplant centers, qualified organ procurement organizations under section 371, or other public or private entities for the purpose of—

''(1) providing for the payment of travel and subsistence expenses incurred by individuals toward making living donations of their organs (in this section referred as 'donating individuals'); and

''(2) in addition, providing for the payment of such incidental nonmedical expenses that are so incurred as the Secretary determines by regulation to be appropriate.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—Payments under subsection (a) may be made for the qualifying expenses of a donating individual only if—

''(A) the State in which the donating individual resides is a different State than the State in which the intended recipient of the organ resides; and

''(B) the annual income of the intended recipient of the organ does not exceed $35,000 (as adjusted for fiscal year 2001 and subsequent fiscal years to offset the effects of inflation occurring after the beginning of fiscal year 2000).

''(2) CERTAIN CIRCUMSTANCES.—Subject to paragraph (1), the Secretary may in carrying out subsection (a) provide as follows:

''(A) The Secretary may consider the term 'donating individuals' as including individuals who in good faith incur qualifying expenses toward the intended donation of an organ but with respect to whom, for such reasons as the Secretary determines to be appropriate, no donation of the organ occurs.

''(B) The Secretary may consider the term 'qualifying expenses' as including the expenses of having one or more family members of donating individuals accompany the donating individuals for purposes of subsection (a) (subject to making payment for only such types of expenses as are paid for donating individuals).

''(c) LIMITATION ON AMOUNT OF PAYMENT.—

''(1) IN GENERAL.—With respect to the geographic area to which a donating individual travels for purposes of subsection (a), if such area is other than the covered vicinity for the intended recipient of the organ, the amount of qualifying expenses for which payments under such subsection are made may not exceed the amount of such expenses for which payment would have been made if such area had been the covered vicinity for the intended recipient, taking into account the costs of travel and regional differences in the costs of living.

''(2) COVERED VICINITY.—For purposes of this section, the term 'covered vicinity', with respect to an intended recipient of an organ from a donating individual, means the vicinity of the nearest transplant center to the residence of the intended recipient that regularly performs transplants of that type of organ.

''(d) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—An award may be made under subsection (a) only if the applicant involved agrees that the award will not be expended to pay the qualifying expenses of a donating individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

''(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

''(2) by an entity that provides health services on a prepaid basis.

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

''(1) The term 'covered vicinity' has the meaning given such term in subsection (c)(2).

''(2) The term 'donating individuals' has the meaning indicated for such term in subsection (a)(1), subject to subsection (b)(2)(A).

''(3) The term 'qualifying expenses' means the expenses authorized for purposes of subsection (a), subject to subsection (b)(2)(B).

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2000 through 2005.''.

SEC. 6. PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS.

Part H of title III of the Public Health Service Act, as amended by section 5 of this Act, is amended by inserting after section 376 the following section:

''PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS

''SEC. 377. (a) PUBLIC AWARENESS.—The Secretary shall (directly or through grants or contracts) carry out a program to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.

''(b) STUDIES AND DEMONSTRATIONS.—The Secretary may make grants to public and nonprofit private entities for the purpose of carrying out studies and demonstration projects with respect to providing for an adequate rate of organ donation.

''(c) ANNUAL REPORT TO CONGRESS.—The Secretary shall annually submit to the Congress a report on the activities carried out under this

section, including provisions describing the extent to which the activities have affected the rate of organ donation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to any other authorizations of appropriations that is available for such purpose.

''(2) STUDIES AND DEMONSTRATIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than $2,000,000 for carrying out subsection (b).''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 378 of the Public Health Service Act (42 U.S.C. 274g) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS FOR ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK

''SEC. 378. (a) OPERATION OF NETWORK.—For the purpose of providing for the Organ Procurement and Transplantation Network under section 372, including the scientific registry, there are authorized to be appropriated $6,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(b) INCREASING ORGAN DONATION AND PROCUREMENT.—For the purpose of increasing organ donation and procurement through the Organ Procurement and Transplantation Network under section 372, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2005. Such authorization of appropriations is with respect to such purpose in addition to the authorization of appropriations established in subsection (a).''.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act take effect October 1, 1999, or upon the date of the enactment of this Act, whichever occurs later.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106–557. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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

It is now in order to consider amendment No. 1 printed in House Report 106–557.

AMENDMENT NO. 1 OFFERED BY MS. DEGETTE

Ms. DEGETTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. DEGETTE:

Page 8, strike lines 11 through 14 and insert the following:

''(10) The Network shall recognize the differences in health and in organ transplantation issues between children and adults throughout the system and adopt criteria, policies, and procedures that address the unique health care needs of children.

Page 29, line 18, redesignate section 8 as section 9 and insert after line 17 the following:

SEC. 7. STUDY REGARDING IMMUNOSUPPRESSIVE DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall provide for a study to determine the costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans and health insurance cover such costs. The Secretary may carry out the study directly or through a grant to the Institute of Medicine (or other public or nonprofit private entity).

(b) RECOMMENDATIONS REGARDING CERTAIN ISSUES.—The Secretary shall ensure that, in addition to making determinations under subsection (a), the study under such subsection makes recommendations regarding the following issues:

(1) The costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans, health insurance and government programs cover such costs.

(2) The extent of denial of organs to be released for transplant by coroners and medical examiners.

(3) The special growth and developmental issues that children have pre- and post-organ transplantation.

(4) Other issues that are particular to the special health and transplantation needs of children.

(c) REPORT.—The Secretary shall ensure that, not later than December 31, 2000, the study under subsection (a) is completed and a report describing the findings of the study is submitted to the Congress.

The CHAIRMAN. Pursuant to House Resolution 454, the gentlewoman from Colorado (Ms. DEGETTE) and a Member opposed each will control 5 minutes.

Mr. BLILEY. Mr. Chairman, I am not in opposition to the amendment, but I claim the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Virginia (Mr. BLILEY) will control the time in opposition.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Colorado (Ms. DEGETTE).

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

Mr. Chairman, this amendment addresses an important and often forgotten aspect of organ transplantation, pediatric organ transplantation. The first part of the amendment is technical in nature and it amends an amendment that I passed in voice vote in the Committee on Commerce which requires the Organ Transplantation Network to adopt criteria, policies, and procedures that address the unique health care needs of children with respect to pretransplantation mortality rates.

Presently, children constitute the vast minority of organ transplantation cases as children tend to be healthier and less in need of organ transplants than adults. Despite this, however, the pretransplantation mortality rate among children in 1998 was much higher, an estimated 55 percent higher than adults. According to the United Network for Organ Sharing or UNOS, quote, among very young children, the death rates were much higher than for other children or adults, particularly on the liver, heart, and lung waiting lists.

However, because children have unique health, growth and developmental issues prior to transplantation and post-transplantation, the language needs to be broader than the amendment we passed in the Committee on Commerce. Therefore this portion of the amendment simply strikes the language specifically addressing children's unique needs in the pretransplantation period, making it more general to the full range of organ transplantation.

This new language has the full support of the entire pediatric organ transplantation community across the country, including the National Association of Children's Hospitals, the American Academy of Pediatrics, and the American Society of Pediatric Nephrology. Consumer groups and others in the organ transplantation field, including the American Society for Transplantation and UNOS are also supportive. In fact, I know of no stated opposition to the new language; and it is something that the proponents of this legislation can and I believe do support.

The second part of the amendment, Mr. Chairman, would require a study of the unique health care needs of children, including growth and developmental issues and immunosuppressive drug coverage in organ transplantation. This study will follow up on a congressionally mandated study of immunosuppressive drug coverage for the Medicare population which, obviously since it was the Medicare population, largely does not address children.

Mr. Chairman, this is the study that was done. Only a very small percentage of this study addressed kids and in that case only a very small percent of children's transplantation. The other seminal study in the field does not address pediatric organ transplantation at all. Given the fact that a substantially higher percentage of children who are on pediatric lists are dying, I think it is essential that we complete these studies and that we complete them soon. The study will give a more complete picture of the full range of problems in pediatric organ transplantation and will give us invaluable assistance as we move down the road and try to figure out what an allocation is.

Mr. Chairman, I urge the adoption of this important amendment to improve the lives of children across the country who are in need of organ transplants.

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

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

Mr. Chairman, I rise in support of this amendment. This amendment is similar to one offered and accepted in committee by the gentlewoman from

Colorado. This amendment ensures that our Nation's organ transplantation system recognizes our children's unique health care needs. This provision provides for a study of immunosuppressive drug coverage for children and on children's unique growth, developmental health and organ transplant needs.

As many of my colleagues know, at the end of the last session, the House passed H.R. 3075, the Medicare, Medicaid and S-CHIP Balanced Budget Refinement Act of 1999. Due to Committee on Commerce efforts, this bill was strengthened by adding $200 million to pay for immunosuppressive drugs needed by organ transplant patients to prevent their body from rejecting the new organ. Medicare currently only covers these drugs for 36 months. This bill took a first step at addressing that issue and allows us to provide more coverage for needy organ transplant patients. Access to these drugs can literally make the difference between life and death.

It is time we extend our efforts to America's children and recognize their unique organ transplant needs. I urge my colleagues to support the amendment.

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

Ms. DEGETTE. Mr. Chairman, I am delighted to yield whatever time I may have remaining to my colleague, the gentleman from Pennsylvania (Mr. PETERSON) who has been a real partner with me on these pediatric transplant organ issues and to whom I owe a lot of thanks.

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from Pennsylvania (Mr. PETERSON) is recognized for 1½ minutes.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentlewoman from Colorado for her fine work on this bill. It was a delight to work with her and her staff as we introduced it just a short time ago. I would like to thank the gentleman from Virginia for his acceptance and his support of this amendment, because it is vital.

When we stop and think about it, little children whose organs are still growing, it really is a different medical situation than it is with adults like ourselves where our organs are finished growing. It makes a difference what type of organ they get more than it does with adults.

It is more important that we do it right with children who have a whole life ahead of them, not just a couple of years but a whole life. As we heard the sad story a short while ago, I think the gentleman from Oregon or Wisconsin, I forget which it was, who lost his son because a heart was not available, I think it is important that an emphasis be put, that the studies be done, that we analyze the needs of children, that we know exactly what works best from the experts who do it and that we make sure that we follow all of those guidelines, that we make sure we get those children's organs to children when possible and we give them their very best chance at living an entire life because of that organ.

Mr. Chairman, this whole debate today is about extending life and delaying death, with children and with adults. We need to have the very best medical evidence possible as we make each and every one of those decisions.

Mr. BLILEY. Mr. Chairman, I urge the adoption of the amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

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

Mr. LAHOOD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, further proceedings on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 106–557.

AMENDMENT NO. 2 OFFERED BY MR. LUTHER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LUTHER:

Page 8, after line 14, insert the following subsection (and redesignate subsequent subsections accordingly):

''(c) COMPLIANCE WITH ORGAN ALLOCATION POLICIES.—No State or local governing entity shall establish or continue in effect any law, rule, regulation, or other requirement that would restrict in any way the ability of any transplant hospital, organ procurement organization, or other party to comply with organ allocation policies of the Network.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, the gentleman from Minnesota (Mr. LUTHER) and the gentleman from Virginia (Mr. BLILEY) each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, first let me thank the gentleman from California (Mr. DREIER), the gentleman from Massachusetts (Mr. MOAKLEY), and the Committee on Rules for making this amendment in order.

This amendment is very simple. It prohibits State and local laws from interfering with the allocation policies of the National Organ Transplant Network. In particular, the amendment addresses what has become known as organ hoarding laws in this country. These laws mandate that organs procured within a particular State must stay within that particular State. They contradict the very purpose behind a national system of organ procurement and allocation. This amendment ensures that medical science, not local politics, determines who shall receive a precious organ in this country.

In 1984, Congress enacted the National Organ Transplantation Act in order to create a national system, and I emphasize national, whereby organs are allocated on the basis of medical necessity and compatibility, not on geographic residence.

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Since then, organ procurement organizations across the country have endeavored to cooperate with each other in local sharing arrangements. They have largely served patients well; however, in the last 3 years, seven States in our country have passed organ hoarding laws, the consequences of which could be absolutely devastating.

These laws dictate that a less needy patient in the home State could actually have priority over a patient with greater need in another State.

Whether you are on the side of HHS or UNOS in this ongoing battle, such an outcome is at complete odds with the very purpose of our national system. And it undermines the cooperative spirit transplant centers have developed across the Nation.

I want to make it clear, this amendment in no way affects the power struggle between the transplant community and the Department of Health and Human Services. It would not affect the local sharing agreements between procurement organizations. In fact, the amendment ensures that such arrangements remain intact and retain their medical authority.

In this debate, instead of focusing on where we disagree, let us focus on where we agree. Mr. Chairman, local politics should play no role in this important matter. Let doctors and transplant experts make the decisions on organ allocation in this country.

I urge Members to support this simple amendment.

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

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

Mr. Chairman, this amendment is rather simple in its effect. It would eliminate those State laws giving priority for citizens in a given State before an organ would be transferred across State lines for someone else.

These laws were passed as a response to the administration's very controversial regulation of April 2, 1998. Many States that have invested time, talent, and treasure to increase their donation rates saw in the Secretary's new policies a drive to take away the fruit of their labors. In order to protect their citizens from an unfair rule, States started passing laws giving their citizens a right of first refusal for organs available.

My answer to my colleagues who oppose these State laws is that these laws would not be in effect had the Secretary of HHS not tried to overturn 16 years of deliberations over organ policymaking.

I ask my colleagues to vote no on the amendment of the gentleman from Minnesota (Mr. LUTHER).

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

Mr. LUTHER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Minnesota (Mr. LUTHER) for yielding me this time.

Mr. Chairman, I live in a State that has two organ centers, Philadelphia and Pittsburgh, both near the State lines. There are many States that have large centers very near State lines.

Should a person's determination of whether they get an organ when they truly need one depend whether they live 5 miles down the road in the wrong State? Think about it. What if you live in the wrong State?

I commend the States that have done a better job. Part of it, to be fair, is because they have younger populations. They have more accidents where young people die and organs are usable. Part of it is that, and part of it may be that they have a better system. I commend them. And we need to increase that system so we do not have a shortage.

We should not have a system that would deny someone life and give them death because they lived 5 miles across the State line.

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

I would answer the last speaker by simply saying what the gentleman from Oklahoma (Mr. ISTOOK) said earlier under general debate, are we going to give authority over body parts of the dead to the Federal Government?

I do not think we want to do that. We have had a program that has worked well for 16 years. We have had States that have been very aggressive in obtaining donors. Why should they be punished to take care of populations in other States that have not been as aggressive? I think that we should reject this amendment.

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

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

I will be very brief. The battle that is going on between the Department of Health and Human Services and UNOS is very unfortunate. I think it is terrible when an issue as serious as this has gotten involved in the kind of controversy that it is currently involved in. UNOS does terrific work in this country, and the people and the Department of Health and Human Services are very well-intentioned.

What we need to do is rise above that, as Members of this Congress; and we need to recognize that life and death does not know geographical boundaries. Organs do not know geographical boundaries.

Let us let the experts, the medical professionals, make these decisions. Let us not have someone not get an organ in this country because they happened to be on the other side of a geographical boundary and some decision was made that controls over medical science in this country. That is why I offer this amendment.

I ask my colleagues to support this amendment and bring a better rational system to this country than this underlying bill would bring if it would be passed by this body.

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

The CHAIRMAN pro tempore (Mr. EWING). The question is the amendment offered by the gentleman from Minnesota (Mr. LUTHER).

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

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, further proceedings on Amendment No. 2 offered by the gentleman from Minnesota (Mr. LUTHER) will be postponed.

It is now in order to consider Amendment No. 3 printed in House Report 106–557.

AMENDMENT NO. 3 OFFERED BY MR. LAHOOD

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. LAHOOD:

Page 14, strike line 21 and all that follows through page 17, line 17, and insert the following:

''(h) CERTAIN SCIENTIFIC AND ADMINISTRATIVE PRINCIPLES.—

''(1) SCIENTIFIC PRINCIPLES.—Policies under subsection (b) for the allocation of organs—

''(A) shall be based on sound medical principles;

''(B) shall be based on valid scientific data;

''(C) shall be equitable and seek to achieve the best use of donated organs;

''(D) shall be designed to avoid wasting organs, to avoid futile transplants, to promote patient access to transplantation, and to promote the efficient management of organ placement;

''(E) shall be specific for each organ type or combination of organ types;

''(F) shall, where appropriate for the specific organ, provide status categories that group transplant candidates from most to least medically urgent;

''(G) shall not use patient waiting time as a criterion unless medically appropriate; and

''(H) shall be designed to share organs over as broad a geographic area as feasible, consistent with subparagraphs (A) through (G).

''(2) PATIENT LISTING AND STATUS.—Policies under subsection (b) for listing patients shall address the suitability of patients for transplants, appropriate priority status of each candidate, and the situations for removing candidates from the waiting list. Such policies shall be uniform for each organ type, objective, and medically appropriate.

''(3) REVIEW AND APPROVAL OF POLICIES; CONSISTENCY WITH SCIENTIFIC PRINCIPLES.—The policies and rules established by the Network shall be subject to review and approval by the Secretary (after consultation with the advisory committee under paragraph (4)), and no policy or rule established under subsection (b) may be inconsistent with paragraph (1) or (2). The applicability of sanctions under subsection (g) to any Network participant is subject to review and approval by the Secretary.

''(4) INDEPENDENT SCIENTIFIC REVIEW.—The Secretary shall establish (consistent with the Federal Advisory Committee Act) an advisory committee to provide recommendations to the Secretary on the policies and rules of the Network, and on such other matters as the Secretary determines to be appropriate.

''(5) PATIENT LISTING AND OTHER FEES.—

''(A) AVAILABILITY; RESTRICTION.—Fees collected by the Network—

''(i) are available to the Network, without fiscal year limitation, for use in carrying out the functions of the Network under this section; and

''(ii) may not be used for any activity for which contract funds awarded under subsection (a) may not be used.

''(B) APPLICABILITY.—Subparagraph (A) applies only to patient listing fees of the Network and to fees imposed as a condition of being a Network participant, and such fees are subject to the approval of the Secretary. Such subparagraph does not prohibit the Network from collecting other fees and using such fees for purposes other than those specified in such subparagraph.

''(C) GIFTS.—This section does not prohibit the Network from accepting gifts of money or services, including for purposes other than those specified in subparagraph (A). The Network may accept gifts of money or services to carry out activities to provide for an increase in the rate of organ donation.

''(6) INFORMATION.—The Network shall provide to the Secretary such information and data regarding the Network and Network participants as the Secretary determines to be appropriate. The Network shall provide data in a timely manner, with suitable patient confidentiality protections, to independent investigators and scientific reviewers.

''(7) LIMITATION ON AMOUNT OF CONTRACT.—The amount provided under a contract under subsection (a) in any fiscal year may not exceed $6,000,000 for the operation of the Network, including the scientific registry under subsection (c). Such limitation does not apply to amounts provided under the contract for increasing organ donation and procurement.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, the gentleman from Illinois (Mr. LAHOOD) and the gentleman from Virginia (Mr. BLILEY) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. LAHOOD).

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

We are offering this amendment to prevent a very bad piece of legislation from going forward today. This bill, in essence, would set up a single-source agency to make all of the determinations about where transplanted organs would go. That is very, very bad public policy. It is bad public policy because no one agency should be in charge of such an important medical procedure and such an important aspect of health care in America today.

Mr. Chairman, we have had a good system. I know it is very in vogue and very favorable to talk in bad terms about bureaucrats and to label HHS a very bureaucratic agency, but who will look after the taxpayers' dollars? Who will look after how the money is being spent? If it is not HHS, it will be no one. This bill allows for one agency to

have total control over the transplants, over the procedures, over the organs and have no accountability to anybody, and that is wrong. We should not allow that kind of public policy to pass this House of Representatives.

Mr. Speaker, our amendment, which has strong support from some very distinguished colleagues who will speak on it, would make several recommendations made by the Institute of Medicine, which did a study on the organ allocation process, and it ensures that organ allocation policies are based on sound medical principles and valid scientific data.

Now, is there anybody here that does not believe that HHS has that kind of capability? Because they are a part of the Federal bureaucracy, does that mean they do not have capable people? Of course they do. They have as capable people medically as any agency or any program anywhere in the country. They can make good decisions. There should be some oversight. To hand this over to one agency that will have God-like powers to tell everybody in America who can get an organ and who cannot will revert back to an old system where favorable people and prominent people will get the organs and common, ordinary citizens will be left behind to die. That is wrong. I do not think anybody in this House wants that kind of policy.

Now, I have a letter here that was referred to earlier that actually is from the UNOS agency, and what they are saying in the first paragraph, the letter is to the gentleman from Michigan (Mr. DINGELL), and what it says is that ''we are working with HHS.'' This letter is dated March 15, and it simply says, ''we are working with HHS. Congress do not need to pass any legislation, we do not need legislation. We are working with HHS and UNOS to try and work out an agreeable kind of a program.''

Why pass legislation to give favorable consideration to one agency? For what purpose? I do not know, except that somebody has favorable consideration from certain Members of Congress around here. This is bad public policy.

There is also a letter from the Department of Justice, and I will make these a part of the RECORD when we go back into the House, that says that with regard to the relationship between the Secretary, meaning the Secretary of HHS, and the network, the bill provides that administrative and procedural functions for the network shall be carried out in accordance with mutual agreement of the Secretary and the network.

So there has to be some kind of a relationship. We cannot give one agency carte blanche, say, over these kinds of procedures and transplants.

There is also a letter from OMB, which I will also make a part of the RECORD, which simply says that there are things being worked out by the administration and by UNOS, and they are going to veto this bill if it would ever see the light of day, which it probably will not in the Senate; but we should not have Members voting on such lousy, bad policy.

Now, if my colleagues do not believe all of that and if they do not agree with my argument, then what we ought to do is have Members call back to their hospitals, call back to their local health providers. They will tell my colleagues that they do not want one agency in America deciding these things; they want some oversight. So if my colleagues do not believe me, then call back to the local providers who provide these transplant capabilities in their own districts, and they will find out what the truth is.

No single agency should have this kind of power. If we want to revert back to the old ways of doing things where prominent people in America get these transplants, then vote for this legislation. If we want to have a good system with oversight, vote for the LaHood-Moakley-Rush-Peterson amendment, which does an awful lot to maintain credibility and honesty and integrity.

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

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

Mr. Chairman, this amendment is a radical departure from 16 years of congressional legislation on organs. It would make all organ procurement and transplantation network policies and rules subject to review and approval by the Secretary. This flies in the face of the present statute.

The LaHood-Moakley amendment is not just a little amendment to H.R. 2418, it is a gutting amendment. It overturns 16 years of deliberation by the Nation's top transplantation experts who have labored and debated over the most complicated issues any person would ever encounter and turns it over to the whims of the Secretary. Just imagine if you were put in the shoes of being Secretary of HHS under the LaHood amendment with no prior awareness or experience in this area.

Organ allocation is a very difficult task. There are no easy answers. The hard truth is that there are not enough organs available for people who need them. A poll conducted a few months after the administration's organ regulation was released yesterday by an advocacy group found that Americans hold very strong opinions on what they believe to be fair organ allocation policies.

The problem is that some of those opinions seem contradictory. The poll found that 83 percent agreed that an organ from a donor should go to the sickest patient in the U.S., no matter where they live, under our national sickest-first policy. Status one patients who are under intensive care and who may die within a week would have priority. Those with a greater chance of survival would not enjoy the same access to organs.

That number may have been much less if people were informed about the direct relationship between increased organ delivery time and the likelihood of organ rejection.

□ 1315

While expressing preference for the ''sickest first'' poll, respondents also believe organs should be transplanted into patients with the best chance of surviving surgery. Those with the best chance of surviving are the so-called Status 3 patients, who are terminally ill but do not need hospitalization. If this preference were followed, Status 1 patients would not be preferred to receive lifesaving organs nor would the intermediate Status 2A and Status 2B patients.

It is the less sick Status 3 patients who have the best chance of surviving with a transplant and the lowest chance of rejecting the transplanted organ. This preference contradicts the first one.

To complicate the story further, the ''sickest first'' policy was not the top choice of respondents. In fact, 86 percent want those patients who have been on a waiting list the longest to get an organ. After all, what could be more fair than waiting in line and taking turns? This response is very embarrassing to the organizations that paid for the poll, because the so-called first-in, first-out policy comes down on the other side of the ''sickest first.''

The most popular preference would have the unintended consequence of giving organs to those who could survive the longest without a transplant. Thus, some of the sickest patients would die, contrary to the ''sickest first'' preference held by the same group.

These inconsistent polling results call to mind a quotation by Edmund Burke: ''Your representative owes you not only his industry but his judgment, and he betrays, instead of serving you, if he sacrifices it to your opinion.''

No President, no legislature, no judge, and certainly no bureaucracy has the competence to make the life and death decisions for allocating organs. There are too many competing scientific and ethical considerations for government to devise a fair system to allocate too few organs among too many people.

America needs a special institution to sort through people's competing passions and positions and to render a sensible and well-informed decision. That is why Congress clearly put this decision-making into the hands of those who know best, the transplant community. When Congress passed the National Organ Transplant Act, it established a private entity to coordinate a consensus position within that community.

But the system that has grown under the watchful eye of the entire transplant community ought not be uprooted by regulatory whim or bumper sticker slogans. Vote ''no'' on the LaHood-Moakley amendment.

Mr. LAHOOD. Mr. Chairman, I yield 3½ minutes to the gentleman from Chicago, Illinois (Mr. RUSH).

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

Mr. Chairman, I rise in strong support of the amendment sponsored by myself, the gentleman from Illinois (Mr. LAHOOD), the gentleman from Massachusetts (Mr. MOAKLEY), and the gentleman from Pennsylvania (Mr. PETERSON).

Mr. Chairman, this amendment is designed to put some accountability back into the organ donation and allocation system, accountability which the bill before us, H.R. 2418, would eliminate.

Mr. Chairman, this bill, H.R. 2418, is indeed bad policy. It is an atrocious bill that will further exacerbate the misfortunes of many of America's citizens.

In the last 2 years, the U.S. Department of Health and Human Services has made several attempts to implement a new organ donation and allocation regulation designed to improve the system of organ allocations in the country. The HHS regulation incorporates many of the sound recommendations of the National Academy of Sciences' Institute of Medicine's recommendations for improving the organ donation and allocation system.

This regulation, the subject of opposition by those groups which would maintain the status quo, has twice been delayed by congressional action.

Finally, last month, the regulation went into effect. Not one month later, this House is debating a bill that would vitiate all of the public good intended by the rule.

Mr. Chairman, the HHS regulation directs the national organ donation and allocation contractor to revise its rules to provide for broader organ sharing. The regulation permits the Secretary to revise any proposed rules that are deemed inappropriate.

Most of the debate about the HHS regulation has been focused on the allocation section and the Secretary's authority to review any new allocation policies.

In Illinois, we are fortunate to have nine transplant centers which perform 745 organ transplants alone. However, despite the work of these centers and a strong organ donation program, the waiting list for transplantation in Illinois grows longer every day.

The new HHS rule would help this situation by authorizing the Secretary to change any regulation that might disadvantage States like Illinois. That is what our amendment does, it guarantees that organ allocation systems would be fair to all, and strike the proper balance between medical judgments and public accountability.

Mr. Chairman, furthermore, I want to say that the Institute of Medicine, in the 1999 report to the Congress, and also Secretary Shalala, have all indicated that women, minorities, and the poor are disadvantaged under this current system. Mr. Chairman, I urge all of my colleagues to support our amendment.

Mr. BLILEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health and Environment of the Committee on Commerce.

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

Mr. Chairman, I would just say to the gentleman from Illinois, who is really a very good friend, and I know there is nothing personal in it, but this atrocious bill, as he calls it, merely basically says that what has taken place over the last 16 years, which everybody basically agrees has been working pretty darned well, not perfectly, that is for sure, will continue to be the case. It is not a power grab on our part, it is a power grab on the part of HHS.

We are basically saying what has worked and worked well, keep it in place. Despite the fact, Mr. Chairman, that NOTA neither explicitly nor implicitly delegates policy-making authority to the HHS Secretary, she has promulgated, and after three congressional moratoria, implemented regulations which assume just such authority.

Under her final rule, which became effective on March 16, she claims the authority to overrule or even rewrite national organ transplant policy. The last time I checked, Secretary Shalala, with all due respect, is not carrying a medical license.

No president, no legislature, and no Federal bureaucracy is competent to make the complicated medical and ethical decisions required to allocate organs for transplantation. To foster public trust, it is important that allocation remain one step removed from the political sphere. That is what Congress intended in 1984. That is the way it has been all along until just the last couple of years. We should ask ourselves, what has happened just in the last couple of years that requires supposedly some sort of a change?

The OPTN is made up of physicians, of patients, and other transplant community representatives. It is not an agency, as has been mentioned here by the gentleman from Illinois (Mr. LAHOOD) a couple of times, more than once. It is not an agency. They and not Secretary Shalala know best when it comes to deciding transplant policies. Their careful, deliberate decisions should not be uprooted by regulatory whim.

Let us not be misled, Mr. Chairman. Although the Secretary does not have policy-making authority under current law nor under H.R. 2418, the Secretary does have adequate authority to oversee compliance of the network. Under current law, the Secretary has significant power over the contractor which runs the network. The Secretary created the network, if you will. The Secretary determined that UNOS would be the private entity that would be responsible for this.

The Secretary drafts the terms and conditions of the contract which set forth the administrative responsibilities of the network, and will ensure that the network complies with the obligations of the statute. If the contractor does not comply with the terms of the contract, there are a number of remedies, including, if appropriate, use of the False Claims Act and government contracting remedies.

Furthermore, the Secretary retains the authority, authority to terminate the contract. The Secretary retains the authority to terminate the contract. Under this bill, the Secretary shall conduct public hearings and receive comments from the public about the performance of the network.

In addition, the General Accounting Office shall conduct, under the bill, required regular evaluations of the network to ensure that it is complying with the terms of the statute. So if UNOS is not doing the job adequately, the Secretary now has the authority to do something about it. The Secretary has the authority to do something about it.

What would the LaHood amendment do? It would require policies to be designed to allocate organs ''in order of decreasing medical urgency status over the largest geographic area, so that neither place of residence nor place of listing shall be a major determinant.''

Even HHS has admitted in the preamble to the rule that this policy, that this policy, would reduce survival rates and the number of patients transplanted, while increasing organ wastage and transplant costs. Even HHS admits that that policy would do that.

It would also require that kidneys be allocated to patients solely on the basis of waiting time, and that intertransplant waiting time variance be as small as possible.

There are a lot of things that this does. I am here to tell the Members, just finishing it up, the LaHood-Rush amendment, the substitute, completely surrenders all policy-making authority to the HHS Secretary and mandates allocation to the sickest patients first on a national list. Now that is mandated on a local, if you will, or in a regional list, but that would mandate it on a national list.

If it is possible to draft a bill that gives even more power to Secretary Shalala over organ transplant policies than her final rule, then the gentlemen from Illinois, Mr. LAHOOD and Mr. RUSH, with all due respect, have done just that.

Mr. LAHOOD. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), a distinguished member of the committee.

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

Mr. Chairman, I think this proposal, this amendment, is a very constructive one. I think it meets a lot of the concerns that have been expressed on all sides on this issue.

After the Secretary of HHS proposed regulations that many people fear

would be deciding the allocation system from the top down, rather than have the decisions by the medical people who work on these issues day-today, the Institute of Medicine looked at the matter. They gave us some recommendations.

The LaHood amendment adopts the recommendations of the Institute of Medicine. It in effect says that we ought to ensure that the bill reflects the best scientific and medical thinking on the issue of organ transplantation. Then, in terms of public accountability, they recommended an independent board to oversee the system, which is what is in the LaHood amendment.

I just want to read to the Members from an organization, the American Liver Foundation. They represent the beneficiaries of transplantation.

They say that, in their view, ''It is important to continue to balance the interests, on the one hand, for physicians to make medical decisions, but also for the Federal government to address and provide leadership regarding matters of equity and fairness. ALF,'' the American Liver Foundation, ''would therefore not support the elimination of an oversight role for the Federal government. At the same time, we would stress the importance of establishing a prestigious and independent advisory body to help resolve disputes that may arise between the transplantation network and the Federal government.''

The LaHood amendment I think is the answer to concerns that everyone has expressed on this issue. It would provide commonsense and scientific decisions made by the medical experts. I would urge my colleagues to support the LaHood-Rush-Moakley-Peterson amendment.

Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me just be brief. This is a gutting amendment. If Members are against States' rights, if they want to turn this over to the Department of Health and Human Services, to the political appointees to run this process, then they should support this amendment.

But if Members are in favor of States doing a good job in administering their own organ transplant systems, if Members are in favor of incentivizing good States to do a good job in putting their own organ programs together, then they should be against this amendment.

In short, I come from Wisconsin. It is a good State that has done a good job putting our own organ transplant system together. But by passing this amendment and turning this over to the Department of Health and Human Services to be run by political appointees in Washington, we will be basically saying to those States that have done so much work on behalf of the organ transplant community, do not bother. You will not be rewarded for that good behavior.

□ 1330

It will be telling those other States that are not doing a very good job that need room for improvement, they do not have to do well because we are nationalizing the whole system and will go to the lowest common denominator. In short, the LaHood-Rush amendment incentivizes the States that need to do better to not do better. It places a disincentive on the States that are doing a good job to cease from doing that good job that they are doing.

We need to let States experiment. We need to let States do a better job and, more importantly, let us let the medical professional people decide how this is done. Let us make sure that organ transplant decisions are going to be exercised by medical professionals, by the data, by scientific research, by physicians, not by political appointees in Washington.

The problem with this amendment is that it will turn over every bit of decision-making to the Department of Health and Human Services, and I only ask my colleagues to take a look at what they are doing to the Medicare program today. All of us see the problems that we are experiencing in Medicare today, much of which comes from the Department of Health and Human Services; their lack of responsiveness to problems we have in Medicare. We do not want to subject a very life-saving, important, timely issue such as organ transplants to the Department of Health and Human Services to be subject to the same kind of bureaucratic ineptitude that Medicare is now suffering from.

In short, Mr. Chairman, I urge a no vote on this amendment. I believe the sponsors are very well intended. I think that their intentions are good, but I think the logic behind this amendment is very bad. It will penalize the States that are doing well, and it will do nothing to help the States that need room for improvement. And the net result will be less organs to go around, on average, throughout the country.

So I urge defeat of this amendment and passage of 2418 because that will do everything to continue to build on the success we have and the success we have been reaching through other States.

Mr. LAHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House and the ranking member of the Committee on Commerce.

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

Mr. DINGELL. Mr. Chairman, I rise in support of the LaHood-Moakley-Rush-Peterson amendment. It is a commonsense measure, and it is one which sees to it that we implement the principles that were recommended by the Institute of Medicine in response to a congressional instruction to review organ allocation issues. In a nutshell, all this amendment does is say the Department of Health and Human Services shall exercise legitimate oversight responsibilities assigned to it by the National Organ Transplant Act as articulated in the Final Rule in order to manage the system of organ procurement and transplantation in the public interest.

Now, this has been a day when the smell of red herrings has hung rich in this Chamber. We have heard talk about how there is going to be a huge number of bureaucrats from the Federal Government telling UNOS what to do. The simple fact of the matter is, UNOS is a contractor which is paid in part by the Federal Government to do its job. The simple fact of the matter is that UNOS has not done a very good job. The request from the Secretary of HHS is for them to simply examine and to come forward with regard to allocation of organs.

Now, why is this necessary? Let us take a hard look. Let us look at several States. Kentucky, in one center, 38 days is the median waiting time; 226 days is at another. In Louisiana the median waiting time at one center was 18 days while at another it was 260 days. In my own State of Michigan, the numbers were 161 days and 401 days at another center.

People are dying because of that. Without needed transplants, people are not getting their problems addressed. People who should probably rank lower in the priority of things are getting transplants while people who desperately need them and are liable to die without those transplants and are being denied those transplants. That is what this amendment is about. It is to correct a major defect in the bill.

The charge was made that this is a gutting amendment. It is not. It is a perfecting amendment. It is one which permits the government of the United States to see to it that everyone is treated fairly with regard to allocation of organs when they need them, and to assure that to the best degree possible that people who have need of organs and who will die if they do not get them are more likely to get them and less likely to be denied those organs.

It is something which goes to basic fairness. It is also something which sees to it that a contractor is not going to be given an absolute and untrammeled monopoly over the availability of organs to people who will die if they do not get them and also to assure something else, and that is to assure that the contractor is under reasonable scrutiny and supervision so that he will behave in an appropriate and a decent and a responsible fashion in terms of carrying forward its responsibility.

There has never been any attempt by the Secretary of HHS to in any way intrude into scientific judgment. That

argument is nothing but a red herring. I urge support of the amendment.

Mr. BLILEY. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. TAUZIN. Mr. Chairman, I would like to submit a written statement of support for the underlying bill.

Mr. Chairman, first of all, let me correct a reference to the Kentucky Transplant Centers on behalf of my good friend, Mr. WHITFIELD. Reference was made to the different waiting times between two of those transplant centers in Kentucky. Both centers are in the same organ procurement area. The difference in the waiting times are actually a result of the different status levels of individuals on the waiting list, such as seriousness of condition, not time on the list, is a determining factor who gets an organ in that area.

An IOM report stated that the aggregate waiting time is in fact a poor measure of equity of treatment in the transplant field, and I would like to correct the record for those reports on the Kentucky centers.

Mr. Chairman, it is important to understand how we got to this amendment today. We got here because the Department has actually held public hearings on a rule that would, in fact, do what this amendment provides, giving the Secretary the power over decisions made in this critically sensitive and important area of organ transplant allocation.

We got here because the Secretary insisted on moving forward with that rule, despite the fact that 85 percent of those who commented on it objected to it. Nevertheless, the Secretary proceeded with this rule to override the decisions being made by the network, our local doctors and our local communities. Not only had the Department the gall to move forward despite an 85 percent record against this usurpation of Federal Government authority over this sensitive issue but three times this Congress had to pass moratoriums preventing that from happening.

Three times this Congress went on record telling the Secretary to stop what she was doing. Nevertheless, we are now faced with an amendment now that would in fact, although it is cloaked in the form of an amendment, adopt the Secretary's position, despite the moratoriums we have adopted, despite the fact that 85 percent of the people commenting on this authority have commented against the Federal Government taking over this role in its bureaucratic manner that it often does.

Speaking of red herrings, as this bill is progressing through the Congress, as we are indeed fighting this effort of the Federal Government to take over the terribly sensitive and delicate decisions of how organs are allocated in our transplant system, as we are debating it, the Justice Department sends this letter out questioning the constitutionality of the delegation of authority to the network.

Talk about red herrings. This letter appears from the Justice Department saying this may not be constitutional. The Justice Department did not mention that the two cases they cited were over 60 years old. They did not mention that over the last 60 years there have been new cases deciding the capacity of our Congress and our government to delegate authorities to organizations like the network, and in all of those cases the constitutionality of those delegations have been upheld.

For example, in 1984 in the case of Cospito v. Heckler, the courts upheld the constitutionality of the Congress delegating the authority to the Joint Commission on Accreditation of Health Care Organizations. In American Association of Physicians and Surgeons v. Weinberger, the court upheld the delegation of authority on a statute which delegated professional standards of review organizations with Federal authority over Medicare and medicaid programs. In Corum v. Beth Israel Medical Center, the same thing happened again.

The history of jurisprudence is replete with authority of Congress to delegate the things like our network. The history is replete with judicial judgments in favor of what has been the practice for 16 years of delegation to doctors and local communities, this very sensitive issue of organ allocation.

Let me say, as my friends have said, the adoption of this amendment would gut this bill. It would destroy the incentives built in here for organ donors to come forward and make organ donor allocations in a way that is fair and sensible and determined on a local basis with the advice of doctors and patients. It would put a government bureaucracy in charge. It is literally the administration's, the Secretary's, position in emperor's clothes and it is a naked attempt at government usurpation of power over this very delicate and sensitive issue that attacks us and taunts us ethically and responsibly at every level.

This is so delicate, so important. Why would we want to give it to a Federal bureaucrat? Why would we adopt this amendment and let someone in Washington, who thinks they know better than the doctors and the local organizations as to what should be done in this sensitive area?

Defeat this amendment. Pass the bill.

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

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

Mr. KLINK. Mr. Chairman, I rise today in opposition of H.R. 2418 and in favor of the LaHood-Moakley amendment that goes some ways in correcting this flawed piece of legislation. If ever there were an issue that deserves to be protected from political maneuvering it is the issue of organ allocation.

This is one of the few issues that we will discuss on the floor that really means the difference between life and death. If one is waiting for an organ transplant and they do not get that transplant, it is very simple. They will die. Whether they get an organ or not that will save their life should not depend on where they live, but under the current system depending on where the organ was harvested it could be given to someone with many years to live, someone who could be pulled off of a golf course, while someone in the next town on the wrong side of a border could be lying there dying waiting for that organ.

As we know, the Department of Health and Human Services is trying to increase organ sharing; but ever since this proposed rule was announced last April, opponents have argued vigorously that the Secretary does not have the authority to set organ allocation policy because it involves a medical question, and that should best be left to those in the transplant community.

I have to tell my colleagues I am very troubled by this argument. I agree that the views of those in the transplant community should be given great weight, but I disagree with the notion that the Secretary should be forced to turn over scientific, clinical, and medical functions of the organ procurement transplant network to a private contractor.

Leaving aside the fact that Medicare and medicaid pay for more than 50 percent of the transplants in this country, I do not understand how an agency, which we allow to decide whether it is safe to put new drugs on the market, new devices on the market, an agency that decides what criteria NIH researchers should use, an agency that decides what procedures could be covered by Medicare now is somewhat less able to decide the qualifications dealing with how organs should be shared.

As I see it, if we give this sole discretion over such an important medical decision to a private contractor, it would really be an unconstitutional delegation of our legislative authority. What would happen if the OPTN were to suddenly change their allocation policy to give preference only to younger patients saying that people over the age of 65, for example, are too old for transplants? Or that they would decide they would prohibit the sharing of organs between people of different races?

We would agree that those things would be wrong, but under this bill the Secretary would be powerless to do anything about it.

Mr. Chairman, I think this wholesale privatization of organ sharing is a dangerous and a slippery slope. Nowhere else in society would we allow a monopoly like this to continue, let alone have the government sanction it.

People are dying because they happen to live in the wrong zip code and

instead of fixing the problem with this monopoly situation on organ allocation, this bill would protect it.

□ 1345

The Moakley-LaHood amendment is a good amendment, and it corrects this flaw.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I rise in opposition to this amendment that reverses 16 years of legislative intent and rips decisions on organ donations from the hands of doctors and local transplant centers, placing them, instead, in the arms of Federal bureaucrats. Putting medical decisions about organ donations in the hands of doctors and transplant centers, not the Federal Government, was the intent of the law when it was created in 1984 and remains so, properly so in H.R. 2418.

In my State of Louisiana, organ and tissue donations are increasing in large part thanks to a new and innovative computerized database that shares information on donated organs with members of the medical community and their patients.

In 1999, 900 organs were donated in Louisiana, coming close to matching the approximately 1,100 Louisianans awaiting transplants. This represents real progress. I am proud my State is helping lead the way.

But this administration's answer to the growing national shortage of organs is very different. It is not to aggressively increase organ donation but to focus, instead, energy on how a static number of organs are allocated and to do that in a way that actually increases rejection rates. This would be a terrible mistake and undercut the successful efforts of local organizations to increase donations, which is the ultimate answer.

Instead of giving bureaucrats the right to dictate organ allocation policies, we should lend our voice to increasing organ donations nationwide.

Oppose this amendment and support H.R. 2418 as it is.

Mr. LAHOOD. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from Illinois (Mr. LAHOOD) has 13½ minutes remaining. The gentleman from Virginia (Mr. BLILEY) has 10 minutes remaining.

Mr. LAHOOD. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Chairman, I rise today in opposition to the underlying legislation, H.R. 2418, and in support of the LaHood amendment.

The system for allocating donor organs for transplant operations has long needed major reforms. The current system has failed hundreds of Americans who have died waiting for a compatible organ to become available. Waiting times across the country vary dramatically. Under the existing regime, people who are not that sick sometimes receive organs ahead of people who will die without getting the organs. This is not right.

I have been working for a number of years to get the Department of Health and Human Services to issue regulations changing the way the organs are allocated. Several years ago, Health and Human Services actually issued draft regulations that would make significant improvements in the organ allocation process. Unfortunately, a series of misguided legislative riders were attached to appropriations bills preventing HHS from issuing its final regulation for over a year.

HHS was finally allowed to issue these regulations last month, and I believe that those regulations will substantially improve the organ allocation process. Today we are considering legislation reauthorizing the National Organ Transplantation Act. We need to reauthorize this important piece of legislation.

But this bill contains a number of provisions that should not be allowed to become law. This bill would maintain existing failings in the organ allocation process rather than repairing them. Enactment of this bill in its current form could hurt sick people in need of transplants.

Specifically, H.R. 2418 would not require the standardization of patient listing practices and greater allocation of organs outside the regions in which they originate. The bill also reduces the Federal Government's ability to oversee the private network which administers the organ allocation process.

Mr. Chairman, I rise in support of the LaHood amendment and in opposition to H.R. 2418.

Mr. BLILEY. Mr. Chairman, do I have the right to close?

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. BLILEY) has the right to close.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT), a member of the Committee on Commerce.

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in opposition to this amendment. In the early days of kidney dialysis, there was a limited number of people who could benefit from kidney dialysis. So a patient in the hospital would have to go to the ethics committee of that hospital to get permission to receive it. These ethics committees became known as death squads because they would literally decide who would live or die.

Were it so easy in this debate today. Because with that problem, we solved it by saying the Federal Government would pay for dialysis. We cannot do that here because we have a limited number of organs.

Now, we can go down two roads here. We can go down the road that this amendment goes down, which says let us take this group of organs that exists right now and divide them differently. Because there are some people who are being treated fairly, some people who are being treated unfairly, so the argument goes.

If my colleagues like what UNOS is doing, they say that the Federal Government is playing God. If they do not like what UNOS is doing, they say UNOS is playing God. The fact of the matter is we are all trying to play God because we have got a limited number of organs.

But there is a danger lurking here. Under the current system, the system that the Department is trying to overturn and that this amendment is trying to overturn, the assumption is that the number of organs will remain constant. I differ with that immensely, because what this approach does is it takes away the only incentive that States have right now to procure organs. So the supply will not remain static.

If a State knows that the organs it is currently procuring under the current system are going to be shipped out of State, they are going to react like normal human beings; and they are going to put less effort into this. So we are going down a dangerous path with this amendment.

Those proposing this amendment are arguing that the number of organs will not change, we are just distributing them differently. But the fact of the matter is we are taking away all incentives for States to come in and to procure those organs. It is a dangerous, dangerous road.

What I think it is going to do is it is going to decrease the supply of organs in this country at exactly the time we should be working to increase it.

Mr. LAHOOD. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Chairman, I rise in support of the LaHood-Moakley-Rush-Peterson amendment and would urge my colleagues that, if this amendment is not adopted, to oppose the bill.

We all talk here about having a cost effective quality health care system in our country. Centers of excellence help us to achieve those results. Yet, we are allowing with the underlying bill geographical politics to affect proper medical judgment.

Without this amendment, a person who is entitled to receive an organ could be denied having that procedure at his or her choice facility. That is wrong. We should not be playing geographical politics with the lives of our constituents.

I urge my colleagues to adopt the amendment or to reject the underlying bill.

Mr. Chairman, I rise in opposition to the bill before us today.

It is a basic tenet of health care that decisions should be guided by medical necessity and quality of care.

Here in Congress, we praise centers of excellence—facilities that provide the highest quality medical care and, in doing so, attract patients from across the Nation.

We speak about the importance of allowing medical necessity determinations to be made based on the patient's condition, rather than financial consideration. In fact, this House voted overwhelmingly in support of this concept when we passed comprehensive managed care reform legislation last fall.

These are central tenets of good medicine.

H.R. 2418 violates these tenets. It locks in the current system—where geography, not the patient's medical condition, is the prime determinant for organ allocation. This is fundamentally unjust in a nation where we seek to treat all Americans equally.

We should have a national organ sharing system where, whenever possible, the sickest American receives any available organ that could save his or her life.

This bill turns life-and-death decisions over to the politics of geography. How can we play politics with the lives of critically ill patients?

Regional boundaries should be limited only by the distance that organs can be safety transported, and these boundaries should be defined so the waiting times can be minimized.

Today's limited boundaries have led to great disparities between States—with Americans in some States experiencing waiting periods as much as 10 times longer than in other States. This means that transplant patients with similar cases could wait for 5 years on one State's list or 6 months on another's. This is not a system we should defend or lock into place.

For some time now, the administration has been trying to improve the way that organs are distributed to patients across the Nation. The Department of Health and Human Services tried to issue new regulations last year. But this Congress delayed that directive from going into effect.

The Institute of Medicine, which Congress directed to study this issue in depth, affirmed the need for more active Federal oversight of the process, not less. This bill goes in the wrong direction. It reduces the Federal role in overseeing the process and delegates total authority to a private organization to establish standards governing organ transplants. That is why I oppose H.R. 2418. I urge my colleagues to vote for quality of care, for the more than 5,000 critically ill Americans who are awaiting transplants, and against this bill.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, is it possible, should it be possible to make a life and death decision without getting the Federal Government involved? Do we have freedom, if the Federal Government says wait a minute, you cannot make these decisions, you might decide wrong, as though the Federal Government is not capable of making mistakes, as though Federal bureaucrats are the source of all wisdom and all knowledge and all pure motives and nobody else in the country possesses them?

People are trying to make very difficult decisions the best way that they can, and to do it in a way, as the gentleman from Wisconsin (Mr. BARRETT) was saying, that does the most to induce people to be organ donors.

This is going to help someone in one's community or in one's State or perhaps in one's region, and it could still end up going across the country if that is the way that it works out where the person actually is a match that qualifies best.

But to say that it all has to go through the filter of the Federal Government is saying the Federal Government does not trust everyone else in the country. It denies us freedom over life and death decisions.

People are doing the best they can with a challenging situation. By letting people try different approaches in different parts of the country, we find out what things work and what things do not work.

If my colleagues impose regimentation, uniformity imposed by Federal bureaucrats, let me tell them, any wrong mistake is a killer mistake instead of finding different ways and different approaches in different parts of the country.

The Federal Government does not need to be in charge of what happens to one's body when one dies. To be told one cannot donate one's organ unless one donates it to a system where Uncle Sam has control, that is wrong. Congress should not try to claim that control. The people should not be subjected to it.

Oppose the amendment, but support the underlying bill.

Mr. LAHOOD. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Chairman, I rise today in strong support of the LaHood-Rush-Moakley-Peterson amendment, and I commend the bipartisan manner in which this amendment was drafted.

This amendment includes recommendations made by the Institute of Medicine on organ allocation policies, recommendations from a study that was mandated by Congress. Mr. Chairman, this amendment is about maintaining public accountability for taxpayer funds and ensuring that medical professionals establish organ allocation policies.

I have heard arguments that, for the past 16 years, the public has been content with the present organ allocation system. How many sick patients have died on long waiting lists watching healthier and wealthier patients receive organs? Are those the individuals that do not have a problem with the present policy?

Mr. Chairman, if my colleagues' constituents want a private organization who could care less about holding themselves accountable to the public for transplant decisions, then vote for H.R. 2418. But if my colleagues' constituents want to put a public accountable organization and medical professionals in charge of such decisions, then vote for the LaHood amendment.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), a member of the Committee on Commerce.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I rise in opposition to the LaHood-Moakley amendment and in support of the bill.

This amendment would create a rubber stamp National Organ Transplant Advisory Board to be selected by the Secretary to meet at her request and advise her on transplant policies with none of the independent review authority recommended by the Institute of Medicine.

The LaHood-Moakley amendment would replace today's flexible evidence-based approach to making and updating transplant policies with a statutory requirement that all organs be allocated where appropriate, in other words, the sickest-first approach that the Secretary originally advocated.

The amendment also would require by law the transplant policy to allocate all organs over the largest geographic area, a formulation that would throw out the current local, regional national approach. This requirement, together with other language in the amendment, obviously has its goal as a single national list approach.

Finally, the amendment would require by law that where transplant policies based on medical urgency are not appropriate, such as in kidney transplants, all organs be allocated among individuals based on their time on the waiting list, coupled with the requirement that waiting time differences between programs be as small as possible.

The last provision means that parts of the country that have worked hard to achieve good organ donation rates would be penalized for their success.

While I appreciate the efforts of the gentleman from Illinois (Mr. LAHOOD) and the gentleman from Massachusetts (Mr. MOAKLEY), their amendment would make matters worse for transplant centers and the medical center in Houston, Texas.

The solution is more organ donations, Mr. Chairman, not more rationing. That is what this amendment would allow us to do.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON), one of the authors of our amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Illinois for yielding me the time, and I thank him for his leadership on this issue.

It is important that we focus back to what we are really talking about today, fine-tuning a system that is not perfect. If we allow the organ system to be totally independent, as many want, we will allow a total monopoly to chart its own course without any adequate oversight.

□ 1400

How many monopolies have served us well? Is the system perfect today? The

recent Forbes report says the following: ''Realizing that UNOS is out of control, Shalala has put out feelers for a replacement. 'I hope we have some bidders this time,' sighs Claude Fox, a physician who, as administrator of the Health Resources & Services Administration, oversees transplants. The only prospect so far is Santa Monica-based Rand. Determined to see that Rand does not walk off with a contract, UNOS' lobbyists are pushing for a law that would ensure that Graham's group will keep the contract forever; a bill that would require the organ rationing contractor to have experience, something nobody but UNOS has. It would also allow the UNOS board members to vote on the choice.''

My colleagues, do we want to give something that is as important as life and death to a group that we have no control over if it goes wrong? We will fix it in time, but how many lives will be lost. Are doctors free to speak up today if they do not like the system? Most doctors interviewed by the Forbes report say, ''most doctors involved in the business fear offending UNOS, lest their organ supply be affected.''

I'm an organ donor. If I were to lose my life in an accident somewhere, and I am 50 miles from Ohio, 50 miles from New York, but I live in Pennsylvania, do I care where my organs go? I want them to go where they will save a life, where the match will be quick, where they will be handled quickly. If I was in California visiting my granddaughter and lost my life in an accident, and my organs were harvested, they would probably be used best on the West Coast not in Pennsylvania. Do we want a system that benefits people who live in the right place?

Listen to the LaHood amendment. ''Shall be based on sound medical principles.'' Anybody disagree with that? ''(B) shall be based on valid scientific data.'' Anybody disagree with that? ''(C) shall be equitable and seek to achieve the best use of donated organs. (D) shall be designed to avoid wasting organs to avoid futile transplants to promote patient access to transplantation and to promote the efficient management of organ placement.'' Anybody disagree with that? ''Shall be specific for each organ type or combination of organ types. Shall, where appropriate for the specific organ, provide status categories that group transplant candidates from most to least medically urgent. Medical. Shall not use patient waiting time as a criterion.'' We have heard that how many times today? ''Unless medically appropriate. Shall be designed to share organs over as broad a geographic area as feasibly consistent.'' Not hard-lined rules, feasibly consistent.

This is an amendment that fine tunes the system, allows adequate oversight into the system, maximizes the saving and extension of life in America, and it does not matter where anyone lives. And it should not matter where anyone lives. If a State happens to harvest a lot, let us copy what they do and let us try to harvest a lot. But a lot has to do with demographics and the age of the population. States with older populations will not be served as well with the current system.

Each of us hopes we never need a transplant. Only my friend, the gentleman from Massachusetts (Mr. MOAKLEY), can know what that really feels like. This is a multibillion dollar business and it should not be a part of the decision-making process. We should design a system where good medicine saves the maximum number of lives with the number of organs available.

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

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

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the LaHood amendment because it fundamentally changes the underlying bill which seeks to protect organ recipients in regional transplant centers that provide local access to life-saving organ transplantation.

We have a system that works, and it has worked well for years. I fail to see, for example, why residents of my home State of New Jersey should be forced to travel long distances to feed major transplant centers because local programs have been snuffed out. This bill would protect those residents. In my mind, feeding major transplant centers to the virtual exclusion of others is playing geographic politics. In essence, we create a funnel to certain hospitals, which create, in my mind, longer waits.

Decisions regarding organ allocations should be based on sound scientific and medical decisions. This bill seeks to do that. These decisions should be made by medical and transplant officials at the local level. This bill seeks to do that.

There is no question that we must do more to increase organ donations and make more organs available for the many Americans who need transplants, and I hope that many Americans will do what I and others have done in signing a donor card and giving of themselves. But completely uprooting the current allocation system does not address the issue of overall supply.

Let us work to increase organ donations. Let us also protect medical judgment and local programs that are saving lives. Let us vote for the underlying bill, and let us oppose the LaHood amendment.

Mr. LAHOOD. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. MOAKLEY) to close the debate on our side, on what I believe is a good amendment.

The gentleman has experienced a transplant, experienced organ donation, and experienced the life- saving experience of going through and receiving an organ, the ranking member of the Committee on Rules and a survivor here to tell us about it and tell us about this important amendment.

Mr. MOAKLEY. Mr. Chairman, I thank my friend and colleague, the gentleman from Illinois (Mr. LAHOOD), for his leadership on this issue; and I thank him for yielding me this time.

Mr. Chairman, I am very sorry that we must debate this matter at all, but until more Americans become organ donors, until more people tell their families they want to donate a part of themselves to others, there will be a disagreement over whether organs should go to the sickest person or to the closest person.

Mr. Chairman, I was once one of those sickest persons. As I said earlier, 5 years ago I was given 2 months to live. But a family from Virginia, who I probably will never meet, donated their son's liver and, in doing so, saved my life. And for that I will be forever grateful. But, Mr. Chairman, I am one of the lucky few. There are now 67,000 people waiting somewhere for an organ transplant, and there just are not enough organs to go around.

In response to this organ shortage, the Department of Health and Human Services has issued regulations which attempt to save as many lives as possible. Those regulations, Mr. Chairman, were established by medical professionals. They require organs to be given to the sickest patients who may benefit, rather than keep them within artificial geographic boundaries. But this bill attempts to sabotage those regulations by preventing the Department of Health and Human Services from making health care decisions that affect thousands upon thousands of people.

This bill gives a private contractor authority over billions and billions of dollars of Medicare and Medicaid money, not to mention people's lives. This is all done without one scintilla of regulation. This private contractor, embodied with God-like powers over who lives, over who dies, powers over which transplant centers stay open and which transplant centers close, is an agency which will answer to no one but itself.

This amendment allows the Department of Health and Human Services to continue its oversight on this issue. This amendment simply requires a small measure of public accountability and oversight in a process that means life or death for thousands upon thousands of Americans.

Mr. Chairman, what this bill really does is it takes the public voice out of the public health. The LaHood-Rush-Peterson-Moakley amendment puts it back in. Where an individual lives should not determine how they live or if they live or if they die.

Mr. BLILEY. Mr. Chairman, I yield myself the balance of my time.

First of all, Mr. Chairman, let me say this. There has been a lot of discussion about the fact that the Secretary has no authority.

The Secretary has oversight authority. The Secretary can abrogate the contract. Indeed, UNOS' contract has been renewed several times. They brought in Rand Corporation. Rand withdrew. UNOS has done a fine job and is doing a fine job.

To my good friend from Massachusetts, who got his life-saving transplant at the University of Virginia Medical Center in Charlottesville, under this amendment that transplant center may not exist any more because it will not be in a big population center. So it could very well not be available for some future transplant.

This is a bad amendment, and I urge its rejection.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the LaHood Amendment to H.R. 2418, The Organ Procurement and Transplantation Network Amendments of 1999.

This amendment keeps critical public health decisions where they belong—under the purview of The Department of Health and Human Services.

Instead of turning these decisions over to a private organization holding less accountability and substantial financial stakes in how the organ-allocation system operates.

The decisions that the base bill, H.R. 2418 would transfer to a private organ network are too important to go unchecked.

They are unquestionably life and death decisions.

New organ-allocation regulations proposed by the Administration and three times delayed by Congressionally mandated moratoriums, we developed by Secretary Shalala and leading experts in the field of organ transplantation.

And they are supported by an Institute of Medicine study completed last July.

But H.R. 2418 would throw out the Secretary's regulations which make the organ-allocation system fairer.

The revised regulations get organs to patients based on medical need, as opposed to geography and politics, and the financial interests of individuals.

Furthermore, H.R. 2418 ignores scientific evidence calling for new regulations in favor of maintaining an outdated and inefficient system which serves business, and political interests instead of public health and patient needs.

Already more than two years of a more equitable and efficient system has been lost to political maneuvering over this issue.

In November of last year, The Washington Post published a cogent op-ed titled "Organs Held Hostage" which reprimanded this Congress for doing just that—keeping live-saving organs from getting to the sickest patients, in the most timely manner, and perpetuating an unfair and inefficient system which favors wealthier patients who can get on multiple waiting lists and fly to wherever a needed organ becomes available.

Isn't it time we allowed the world-class doctors and transplant centers that we take so much pride in, to get on with the saving of lives?

I urge my colleagues to vote for the LaHood Amendment.

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

The CHAIRMAN pro tempore (Mr. EWING). All time has expired.

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

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

RECORDED VOTE

Mr. LAHOOD. Mr. Chairman, I -demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 15-minute vote on the LaHood amendment, followed by two 5-minute votes on the amendments for which demands for recorded votes were postponed earlier today in the following order:

Amendment No. 1 offered by the gentlewoman from Colorado (Ms. DEGETTE); and amendment No. 2 offered by the gentleman from Minnesota (Mr. LUTHER).

The vote was taken by electronic device, and there were—ayes 160, noes 260, answered "present" 1, not voting 13, as follows:

[Roll No. 98]

AYES—160

Ackerman
Baca
Barrett (NE)
Bartlett
Becerra
Bereuter
Berman
Biggert
Blagojevich
Boehlert
Bonior
Bono
Borski
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Forbes
Frank (MA)
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Goodling
Gutierrez
Hall (OH)
Hinchey
Hoeffel
Holden
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
King (NY)
Klink
Kucinich
LaFalce
LaHood
Lantos
Larson
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Moakley
Mollohan
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Payne
Pelosi
Peterson (PA)
Phelps
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sessions
Sherman
Sherwood
Shimkus
Slaughter
Smith (WA)
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Weygand
Woolsey
Wynn

NOES—260

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Barton
Bass
Bateman
Bentsen
Berkley
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Dickey
Doolittle
Duncan
Dunn
Edwards
Ehlers
Emerson
Everett
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McKinney
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Nethercutt
Ney
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Ramstad
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kaptur

NOT VOTING—13

Brady (PA)
Campbell
Cook
Crane
Diaz-Balart
Fattah
Greenwood
Martinez
Myrick
Northup
Roukema
Shuster
Vento

□ 1433

Messrs. WALDEN of Oregon, Mrs. CUBIN, and Messrs. FRELINGHUYSEN and BISHOP changed their vote from "aye" to "no."

Mr. BLAGOJEVICH, Ms. WOOLSEY, and Mr. MEEKS of New York changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. EWING). Pursuant to House Resolution 454, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 1 OFFERED BY MS. DEGETTE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 1 offered by the gentlewoman from Colorado (Ms. DEGETTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 14, as follows:

[Roll No. 99]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
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
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bliley
Brady (PA)
Campbell
Cook
Crane
Diaz-Balart
Fattah
Greenwood
Martinez
Myrick
Northup
Pelosi
Shuster
Vento

□ 1442

Mr. NORWOOD changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BLILEY. Mr. Chairman, on rollcall No. 99 I was inadvertently detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 2 OFFERED BY MR. LUTHER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 2 offered by the gentleman from Minnesota (Mr. LUTHER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 284, not voting 13, as follows:

[Roll No. 100]

AYES—137

Ackerman
Allen
Baldacci
Barrett (NE)
Becerra
Bereuter
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Engel
English
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Frank (MA)
Gejdenson
Gekas
Gephardt
Gilchrest
Goodling
Gutierrez
Hinchey
Hoeffel
Holden
Hoyer
Inslee
Jackson (IL)
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Klink
LaHood
Lantos
Larson
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McIntyre
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Payne
Pelosi
Peterson (PA)
Phelps
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sessions
Shays
Sherman
Sherwood
Slaughter
Snyder
Stabenow
Stark
Strickland
Stupak
Terry
Thompson (CA)
Tierney
Toomey
Towns
Udall (CO)
Visclosky
Walden
Waters
Waxman
Weiner
Weygand
Wise
Woolsey
Wynn

NOES—284

Abercrombie
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia

Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Berkley
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Dickey
Doggett
Doolittle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Nethercutt
Ney
Norwood
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Shadegg
Shaw
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vitter
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—13

Brady (PA)
Campbell
Cook
Crane
Diaz-Balart
Fattah
Greenwood
Martinez
Myrick
Northup
Nussle
Shuster
Vento

□ 1450

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. NORTHRUP. Mr. Chairman, I was unavoidably detained and unable to record a vote by electronic device on the LaHood amendment to H.R. 2418. However, had I been present, I would have voted "no."

I was unable to cast a vote on the DeGette amendment to H.R. 2418. Had I been present, I would have voted "aye."

I was unable to case a vote on the Luther amendment to H.R. 2418. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. EWING). It is now in order to consider Amendment No. 4 printed in House report 106–557.

AMENDMENT NO. 4 OFFERED BY MR. BARRETT OF WISCONSIN

Mr. BARRETT of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BARRETT of Wisconsin:

Page 28, after line 3, insert the following subsection (and redesignate subsequent subsections accordingly):

''(c) GRANTS TO STATES.—The Secretary may make grants to States for the purpose of assisting States in carrying out organ donor awareness, public education and outreach activities and programs designed to increase the number of organ donors within the State, including living donors. To be eligible, each State shall—

''(1) submit an application to the Department in the form prescribed;

''(2) establish yearly benchmarks for improvement in organ donation rates in the State;

''(3) develop, enhance or expand a State donor registry, which shall be available to hospitals, organ procurement organizations, and other States upon a search requests; and

''(4) report to the Secretary on an annual basis a description and assessment of the State's use of these grant funds, accompanied by an assessment of initiatives for potential replication in other States.

Funds may be used by the State or in partnership with other public agencies or private sector institutions for education and awareness efforts, information dissemination, activities pertaining to the State organ donor registry, and other innovative donation specific initiatives, including living donation.

Page 28, line 12, strike ''$10,000,000'' and insert ''$15,000,000''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, the gentleman from Wisconsin (Mr. BARRETT) and a Member opposed each will control 10 minutes.

Mr. BLILEY. Mr. Chairman, I rise to claim the time in opposition, although I am not in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman from Virginia (Mr. BLILEY) will control the time in opposition.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. BARRETT).

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

Mr. Chairman, this amendment provides a direct mechanism to foster State organ donor awareness, public education and outreach activities and programs designed to increase the number of organ donors within the State, including living donors. Stated simply, the amendment provides a financial incentive for States to tackle creatively the challenges inherent in organ donation awareness and education.

States can play a pivotal role in organ donation success, despite the huge geographic variations and differences across State lines. This amendment authorizes direct grants to States and allows partnerships with other public agencies or private sector institutions within States to mutually undertake organ donation activity.

Under this amendment, States must submit applications in the form prescribed by the Secretary of Health and Human Services and shall establish yearly benchmarks for improvements in organ donation rates in the States. States would be required annually to provide a report to the Secretary, including a description and assessment of the State's use of grant funds and identification of initiatives for potential replication in other States.

Mr. Chairman, this amendment correctly recognizes that States need flexibility designed to address their own organ donation priority areas of concern, yet provides the necessary challenge and financial incentives to address the underlying reason for the organ allocation program in America today, namely, the scarcity of donated organs.

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

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

I rise in support of the amendment offered by the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Wisconsin (Mr. KLECZKA).

This amendment would provide financial incentives for States to creatively tackle the challenges inherent in organ donation awareness and education. It would also authorize direct grants to States to allow partnerships with other public agencies or private sector institutions within States to mutually undertake organ donation activities.

As I have said many times before, Americans who donate their organs, tissue, bone marrow or blood to save another's life are heroes. But, despite the generosity of the American people and improvements in medical treatments for transplant patients, the supply of organs continues to be tragically short of the need for transplantation among patients with in-stage organ disease and organ failure.

Every year, the number of patients who die while waiting for a transplant increases, as does the national waiting

list, which now exceeds 65,000 patients waiting for various organ transplants. We must do more.

As many know, the Committee on Commerce has spent a great deal of time and effort in the last year working to develop good solutions to the difficult problem of increasing the supply of donated organs while safeguarding the system from unintended bureaucratic interference that would dramatically harm efforts to increase donations. Many of these ideas are embodied in H.R. 2418. I believe this amendment will strengthen our public education campaign with respect to organ donation and ultimately increase the amount of organs, tissue, bone marrow, or blood in our transplant centers. Organ donation and awareness is half the battle, and I applaud the gentleman from Wisconsin for tackling the inherent challenges in organ donation activities.

Mr. Chairman, I urge my colleagues to support this amendment.

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

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Chairman, I rise in strong support of this amendment on education, information, and inspiration.

There is a true story about a family, Reg and Maggie Green, who took their young sons to Italy on vacation, and one of them, Nicholas, was tragically killed in a shooting on the highway, on the super highway. This couple, instead of sprinting, leaving out of Italy, decided to donate seven of Nicholas' organs to citizens of Italy. In the first few days after Nicholas' death, the number of people signing organ donor cards in Italy quadrupled, quadrupled; and donations there last year were more than double the rate that they were in the year before he died.

Mr. Chairman, this is an inspirational story about Nicholas Green, his family, and now the ''Nicholas Effect.'' When we can get these kinds of stories shared, a foundation started, the Nicholas Green Foundation, more people aware of the importance of organs and organ donation programs, sharing of inspiration, sharing of these true stories, we will help address this program and this problem.

So no matter where one is on the question of medical necessity versus location or geography, support this good amendment and support efforts to get information, education, and inspirational stories out there.

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

Warm, moving, and uplifting . . . a father's story of how a boy's life helped save thousands.

Reg Green knows sorrow. He also knows, first-hand, of people around the world who have risen to the challenge of tragedy with acts of compassion and greatness. Here is the intimate story (behind the headlines and talk shows) of the Greens' fateful trip to Italy: how a botched robbery changed their lives and how Reg and Maggie's private decision to donate their son's organs thrust them into the world spotlight.

The world's response to the Greens' personal tragedy is called the Nicholas effect. No matter their nationality or calling, people respond from the heart—presidents, movie stars, schoolchildren, grandmothers, Boy scouts, soccer players, surgeons, and organ recipients. Organ donor cards are signed. Poems are written, pictures painted, parks dedicated, scholarships established, medals given, children hugged.

The effect continues today, stronger than anyone could have predicted. More than a tale of loss, this is a testament to the power of healing and love.

AN INTERVIEW WITH REG GREEN

(By Doug Hill)

Reg Green is a British-born financial writer who lives in Bodega Bay, California. On the night of September 29, 1994, he was on vacation in southern Italy with his wife and two children when highway robbers shot out the windows of their rented car. Nicholas Green, age 7, asleep in the back set, was hit in the head. Two days later, he was declared brain dead, and the parents agreed to donate his organs for transplant. Nicholas' heart, kidneys, corneas, liver and pancreas cells transformed the lives of seven Italians while the Greens' generosity and spirit inspired the world.

Since then, Reg Green, 70, and Maggie Green, 37, have become international leaders in the movement to promote organ donations, while the power of what is called ''the Nicholas effect'' continues to move anyone who hears their story. They live with their daughter Eleanor, 9, and twins, Martin and Laura who will be 3 in May.

Reg Green has just completed a book which describes the Greens' incredible journey in exquisite and often painful detail. ''The Nicholas Effect'' is to be published by O'Reilly & Associates in April. Recently, Green took time out to discuss ''The Nicholas Effect'' with interviewer Doug Hill.

Hill: What is the Nicholas Effect?

Green: The Nicholas Effect started out by being a very big increase in people in Italy signing their donor cards. Within a few days of Nicholas' death, those signings quadrupled. That was the initial response, and that took our breath away at the time, but I was determined, as Maggie was, that this shouldn't be just a transient thing. We both had this feeling that this could turn out to be one of those things that people would look back on sadly when they remembered it, but would have no real effect on their actions. Some other tragedy would come along that would supersede this one. So we wanted to try to make sure that whatever effect there was would be more lasting. Therefore, we did everything we could to etch it into people's minds. We contacted the media and we gave all the interviews that anybody asked for—we've hardly ever turned down a request for an interview. We made two videos, we've written articles, we dressed up as Santa Claus for an Italian magazine. The main thrust of all this was to remind people of the terrible loss of life around the world because of the low rate of organ donation. There were subsidiary things, however, which we began to see as we got into it. People were being brought closer together by this story. I imagined parents all over the world giving their children an extra hug before they went off to school in the morning or reading an extra page to them at bedtime. So we wanted that to continue as well.

Hill: You've said that the Nicholas Effect is about ''life coming bravely out of death.'' Is that the idea?

Green: Yes. Absolutely.

Hill: That message runs counter to a lot of the cynicism we encounter today, doesn't it?

Green: Yes. I think one of the wonderful things about the Nicholas Effect is that it has uncovered this sense of togetherness—what the Italians call 'solidarity'—that exists between people, people who are often complete strangers. Obviously that's true with organ donation, where you've no idea where the organs are going. White men are walking around with black women's hearts, Anglos are breathing with Mexican lungs, and American children are alive because of donations made by foreign parents—and vice-versa. Human parts are interchangeable. I think that's a wonderful lesson. The differences between us are trifling compared to what we have in common.

Hill: I was struck when reading the book how many times you met someone and then found out quite a bit later that they had experienced some sort of tragedy in their own lives.

Green: Yes, that struck me too, very forcibly. Both in the case of strangers or people I've known for a long time about whom I never suspected anything of that sort. But somehow the barriers come down and they tell us these stories. Just the other day I went into the grocery store and went to the butcher counter. The lady who served me said, 'By the way, you're the father, aren't you?' I said yes, and she said, 'We had a similar incident,' and she proceeded to tell me about a personal tragedy. I've seen that woman a lot of times and that never emerged. She was just the woman who was serving the sausage. Now behind that is the real person.

Hill: How much of the Nicholas Effect has to do with the special qualities of Nicholas himself?

Green: I've often asked myself that. I think quite a lot. I know, of course, that it was our decision to donate the organs, that he wasn't old enough to know what that meant, but somehow with Nicholas you wanted to be your very best. He was a very good little boy and he made you want to live up to his expectations. He stamped his personality on this story. Time and again when reporters would come here, somehow they've been captured by his personality. So the effect was shared according to his own character.

Hill: I must say that as a father I sometimes felt jealous of the bond that you seemed to have with him.

Green: Well, we were very close. I'm quite old, you know, to be the father of a young child. That may have something to do with it. It may be when you're a younger father you've got your own career to worry about, you're very busy, you haven't settled down yet. I work from home, so that helped, also. But, yes, we were very close.

Hill: You describe yourself as an agnostic. Still, do you see a spiritual quality to the Nicholas Effect of any sort?

Green: No, I don't, really, not in any conventional sense. I still don't believe in an afterlife, for example. I've never been tempted to believe in it. It would be nice in a way to think that was true now, but I've never been comfortable with the idea and I've never dabbled at it since Nicholas died. I've always taken hope from the idea that there's a lot you can do here in the world, and that what you do here can be about love rather than hate—kindness rather than cruelty. So my solace comes from what can happen on earth, and I see so much good coming out of all this. Nicholas' example has helped save literally thousands of lives in Italy alone, because the organ donation rates have more than doubled. So that's part of it. The other part of it is that other thing we've been talking about, the sense of people feeling closer together than they did before.

Hill: Was the book difficult for you to write?

Green: I had tears in my eyes many times while I was writing it and some of it was wrenching, going back over Nicholas' death, for example, having to recreate that. But, for the most part, the loss of Nicholas has been so great that talking about it really doesn't make it worse. It was also nice to be able to put down on paper the happier times I remember too.

Hill: What do you hope to accomplish with the book?

Green: Again, there's the two levels of things. On the practical level, I'm hoping it will be another of the building blocks by which organ donation becomes not unusual or horrifying, but the natural thing to do, as natural as putting on a seat belt. And I think it can become as natural as that. There's no organized opposition to organ donation. Whenever they take a poll, eighty percent or more of the people in this country say they are in favor of it and would do it. They don't do it, but not because there's a principled objection to it, but because of circumstances. I think people can be overwhelmed when there is a sudden death. So what I'm hoping to do on that front is make them aware of the importance of it—of the consequences of a refusal. When people are asked to do it, they tend to think of that child or husband of theirs and the organs being taken away from them, and they're frightened or worried by it. I want them to see the other side. If you don't do it, this is what somebody else has to suffer. Somebody else has to go through what you're going through if you don't make that decision. On the organ donation level, that's it. I also wanted to show the sense of solidarity between quite different kinds of people that this incident has produced.

Hill: What specific steps should people take to make sure that their organs will be available for transplant?

Green: The most important is to discuss it with your family so that if there is a brain death in the family, their minds are already attuned to this and it doesn't take them by surprise. There's a new initiative started by the American Society of Transplant Surgeons, and what they ask you to do, instead of signing the donor card, is to just sit down with the family and say, ''Look, if anything were to happen, I'd want you to give my organs and tissues.'' The others in the family who agreed would sign a document, the Family Pledge, and then they'd probably put it away and forget where it was and that would be the end of it. It would have no legal standing, but it would mean that when death did occur, perhaps sooner than anyone expected, that conversation, that joint decision, would come to mind. It wouldn't work every time, but we think in many cases it would have the right effect—people would say, ''Yes, that's just what he wanted.''

Hill: I was struck by your comment in the book that transplantation means we're ''no longer at the mercy of arbitrariness. We have a say in the outcome.'' Could you elaborate on that?

Green: I connect it with the idea that death has a purpose. Death is not simply some terrible thing that happens. None of us is going to like it, but it's there for a reason: the old and the feeble have to be replaced by younger and stronger ones. But people die every day because of the failure of one organ. Many of them are young, some only babies. People with whole lives in front of them are suddenly dead. Transplantation means that we can step in and save such people.

Hill: Did you have any thoughts about donation before your experience with Nicholas?

Green: Not really. I had been very impressed by Christiaan Barnard's early experiments with heart transplants, which seemed like going to the moon. But apart from that, no. I can't recall any conversation that Maggie and I had beforehand. She, it runs out, had signed a donor card and I hadn't.

Hill: So you were pretty much like most of us.

Green: Yes, that's right. It was a revelation to me how much could be achieved. I think in our cases, either one of us would have done it for the other, because it would have been so obvious to us, just as it was in Nicholas' case. And I think many families are like that—they know each other well and would know enough to go ahead and do it, without prior agreement. But still, it's very valuable to have had a discussion, particularly for bigger families, where one person objecting can stop the whole process. This thing has to be done quite promptly—you've only got a short time to make the decision. You may be able to get in touch with your husband, for instance, but suppose you can't get hold of your mother, or his mother? That's what often happens. People take the safe course because it's too difficult to contact everybody, and they're afraid that somebody might object.

Hill: You often describe the decision to donate Nicholas' organs as ''obvious'' or ''easy.'' I think many readers may find that hard to understand—I know I did. Why would it have been that obvious?

Green: It was obvious simply because Nicholas was dead. There was no question in our minds that he wasn't in a coma, for example. Those organs were of no use to him anymore. Not only did Nicholas not need those organs anymore, but the essential Nicholas was clearly not in that body. Whether it was a soul or our memories of him, or the legacy he left behind—that was where Nicholas was. In no way conceivable to us could we be hurting him by using his body, and yet we could be using it to help other people. On top of that, we know that it was a decision he would have approved of. We never discussed it with him, obviously, but if he'd understood the situation, there would have been absolutely no question in Nicholas' mind that that's what he would have wanted us to do.

Hill: The letters chapter in the book is amazing. I was struck by your comment that it isn't possible to read those letters without the sense of a ''momentous event'' having taken place. I assume that's another example of the Nicholas Effect at work?

Green: Yes, on the face of it, it's just one tragedy among many. In terms of numbers, of course, Nicholas' death was a very small tragedy, and yet it had these amazing consequences. The letters we received weren't written the way condolences from strangers often are. They didn't write ''We're sorry your little boy has died . . . He will be in our thoughts and you too . . . Goodbye.'' Instead, their letters talked about big things having happened in their lives because of this event. Some people felt their whole view had shifted, or that they'd taken some quite big action that they hadn't done before. They clearly felt that something had happened of importance that they should pay attention to.

Hill: Why? Why did this one death have that effect?

Green: Well, there must be a lot of elements to that. I think the slaughter of an innocent was part of it—the sheet wantonness of it all.And I think it probably had something to do with the fact that Maggie and I were willing to talk about it to the press right from the beginning, so that Nicholas' personality appeared in the very first stories that were written. He wasn't just figure with a name who was killed: he had a rounded personality. And because there were pictures, there was also a face to go with the story. I think also that having been a journalist, I knew that when you tell a story, you can't wait for two or three days to figure out what you feel about it, or to get it correct to the third place of decimals. You've got to talk right away. Another part of its was the reaction of Italy to it. It took the whole country by storm, and I think that regardless of what we did or didn't do, there would have been that explosion of sympathy. They were horrified that a child had been hurt, many were ashamed. The President and the Prime Minister made it into a national event. All those things together made it an event of importance. When we came back on one of the Italian President's planes, the press was waiting, and the momentum that Italy had given the story continued here, to a higher level still.

Hill: The force of that must have been astonishing to you.

Green: Yes, it was. By now we've grown used to people being moved by this story, but at the beginning we had no idea there'd be this reaction. I remember when we made the decision to donate the organs, we stayed to sign some forms, and then left the hospital. By the time we got back to the hotel, the press already knew. Until then we had thought we were making a purely private decision. Then by the next day there was a sheaf of telegrams from some of the leading figures in Italy.

Hill: As someone who has been a journalist, how well or how poorly did your colleagues in the media handle the story? They come off fairly well in the book, and I wondered if you were bending over backwards to be diplomatic.

Green: No. There were a lot of detailed mistakes, people getting our ages wrong and that sort of thing. A couple of magazines quoted us as saying that ''Nicholas lives''—meaning he lives on through the organ recipients—and we never said that. But, as a whole, people treated the story seriously and they treated organ donation in a very mature and positive way. So we have nothing to complain about. In fact, I'm grateful to the press, because without the mass media this would have been a small story instead of a worldwide story.

Hill: It's unusual for anyone who's been the focus of media attention these days to come out of the experience with much positive to say.

Green: I think they all felt very sorry for us. They didn't want to hurt us anymore.

Hill: How are the recipients doing?

Green: They're all back in the mainstream. There are seven of them and most are in very good shape. Let me think. The two who received corneas, yes, no problems there. Two kidneys, yes, Liver, fine, she just had a baby. So those five definitely. Now what have I missed? The boy with the heart, who had had six previous operations, he worried people for a time. He was in the hospital a lot longer than the others and there were side effects, and I remember hearing there were some concerns about rejection. However, a year or so ago I was on a TV program with his mother, and she said he's fine now. The seventh is Silvia, a long time diabetic, a brutal disease. She had been in a series of comas before her transplant and still has serious complications from that time. However, she has recovered enough that when I saw her last she was able to live in an apartment on her own.

Hill: How are Eleanor and the twins doing?

Green: Fine. Eleanor still says from time to time things like, ''Wouldn't Nicholas have enjoyed this?'' or, ''Do you remember when Nicholas did that?'' But the twins have changed her life beyond recognition. She had become an only child and we began to worry that she would turn inward. But the twins have brought out all her maternal instincts

and she looks after them in a very mature way. They dote on her and love it when she comes home from school.

Hill: And Maggie is well:

Green: Yes, she's fine. Maggie's very strong. If you ever met Maggie, you'd see the gentleness in her, but it's the combination of that and the strength behind it all that's made all the difference.

Hill: What about you, Reg? I have read that you now consider increasing awareness of the need for organ donations as your life's work. Is that accurate?

Green: Yes, that's true. What this has given us is a genuine cause that has got two things going for it. One is, we know if does good. We can feel it in the air when we go places—the things people say to us, the statistics in Italy, the letters we get—we just know that it's having the kind of results we want it to have. Secondly, even though we're amateurs in the world of organ donation, and tens of thousands of other people working on this problem know infinitely more about it than we do, I do feel we have a special message.

Hill: My last question is really about the impact of the Nicholas Effect on you. You said at one time that ''while we lost everything, we did get something back.'' What was it you got back?

Green: I suppose the nub of it is knowing so much good came out of what could easily have been just a sordid tragedy. I often think people don't realize, as we didn't, what a mighty gift they have in their hand when they are faced with a decision about making a donation.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to begin by associating myself with the remarks of my friend and colleague from Milwaukee and congratulate both he and my other colleague from Milwaukee (Mr. KLECZKA) for bringing this amendment forward.

This is the ''good news amendment'' of this process. Up to now, our debate, our battle has been over how to arrange the chairs around the table. This amendment is the first amendment that takes square-on the important challenge of how we make the table bigger, of how we make sure that we have more organs in the donor system.

□ 1500

As we have heard several times today, there is a sad shortage, and the shortage is a matter of life and death. But the good news is that in some parts of the country, like my home State and the gentleman's home State of Wisconsin, we have shown that public education and outreach efforts can work. We can increase the percentage of those who donate their organs. We can raise public awareness.

This amendment is so important because it turns to the States and it challenges the States, and works with and reaches out to the States to do what States like Wisconsin have done so we are not bickering over who sends what where, who will make these decisions, whether or not we are going to bring politics into this, turn this over to bureaucrats.

Instead, we can increase the number of organs donated, number of organs in the system, and that is really what this should be about today. That is the most important thing.

Again, I congratulate my colleague for bringing this amendment forward.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Wisconsin (Mr. KLECZKA), a coauthor of this amendment.

Mr. KLECZKA. Mr. Chairman, let me thank my colleague, the gentleman from Wisconsin (Mr. BARRETT) for yielding time to me.

Mr. Chairman, I rise not only to support the amendment, but also to support the underlying bill. The entire issue of organ donation is very near and dear to our family, for it was about 6 years ago that my brother received the gift of life. He received a new lung at a local hospital in my district. Without that, my brother would not be with us any longer, or his four children, or his wife.

When we start talking about the allocation of organs and changing the system, I take a very strong interest in that. It seems that, after listening to the debate from those who oppose the bill, it is more of a question of where the organs are harvested, where they are available, and the fact that they are not necessarily sent to areas of the country where they do not do a very good job of procuring organs.

I am saying the answer to that dilemma, to the most serious problem, is not to throw out the current system that works, but let us adopt the Barrett amendment, which provides more Federal resources to educate and to try to provide more donations from individuals in our country.

It is a very simple step, Mr. Chairman. I wonder how many Members of Congress have affixed to their driver's license the organ donation sticker, or have signed on the back of the driver's license the fact that should something happen to us, our organs should be preserved and not let gone to waste?

The question here is, let us provide the same type of education and programming at States other than those who do a good job, like Wisconsin and Florida and Kentucky, to the other States like Pennsylvania and some others of Members who spoke on the floor today.

One of the Members previously in the debate indicated that there are organs available, so someone calls the local golf course. I thought that was a rather crass statement. No one is going to have an organ transplanted into the body because it is newer than what they got. It is not done like a set of tires on your car which would provide for more mileage for getting around. It is a lifesaving thing.

We are told of the sad statistics where 4,000 people a year die because there are no organs available. The waiting lists are in excess of 65,000 around the country. But Mr. Chairman, even in areas where the organs are available, those waiting lists are there, also. They are doled out on medical need. My brother would probably not have received the lung he needed to live if the decision was made in Washington, because what physician, what bureaucrat, is going to know his condition versus the doctors who have attended him for years and years while he waited?

So those 4,000 who passed away because of unavailability of an organ also come from States where the organs are available because they are not plentiful enough. Adopt the Barrett amendment, provide some needed dollars, so we all can enjoy the gift of life that some States might have a couple more than others.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN)

Mr. RYAN of Wisconsin. Mr. Chairman, I rise as a cosponsor of the Barrett amendment. I would also like to thank the gentlemen from Wisconsin, Mr. KLECZKA and Mr. BARRETT, the cosponsors, the authors of the amendment, for this excellent amendment. I believe this amendment can do a great deal to improve our Nation's current organ donation system.

We have witnessed in several States innovative programs to encourage increased organ donations that have produced dramatic results. In my home State of Wisconsin, we have developed a highly successful organ donation system that has served as a model throughout the country. I believe that Wisconsin has offered much to those States that currently lack high donation rates.

The Wisconsin State legislature just recently passed a bill requiring teenagers to take 30 minutes of instruction on organ and tissue donation as part of their drivers education program. It is innovative programs like these that keep our rates high.

In addition to this program, Wisconsin has also introduced legislation for a donor registry, and currently utilizes driver's license checkout programs, donor cards, and power of attorney for health care forms to encourage organ donation.

This amendment would provide a cooperative environment that shares successes and helps to diminish failures. We should seek to eliminate our national organ shortage by improving the donation rates in all States, not by penalizing States with more effective programs.

I, too, am an organ donor. On the back of my Wisconsin driver's license, I have this great little sticker. We are doing well in Wisconsin. We have a program we are proud of. This amendment does a lot to improve the base text of a good bill to make sure that the States that are doing well continue to do well, and encourages those States that have room for improvement to improve themselves.

Mr. Chairman, I encourage all Members to vote in favor of the Barrett amendment.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

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

Mr. Chairman, in my home State, as Members have heard, we are blessed with one of the Nation's most successful organ transplant and procurement programs. People in Wisconsin care about helping their neighbors and loved ones, and we benefit from a very successful education and outreach program.

Everyone is involved in this effort, from families to physicians, small clinics and larger transplant hospitals. Additionally, the local media takes the time to emphasize and praise the actions of organ donors.

For instance, just this past weekend, one of my hometown newspapers featured a front page story on the recent tragic death of a 15-year-old boy in my district from a severe asthma attack. But even in the face of this awful tragedy, the family and the journalist made a point of noting the boy's commitment to organ donation.

Jason Frederick had talked about donating his organs. It was something he felt very strongly about. He wanted to be an organ donor, but he did not yet have his driver's license. His family made sure that his wishes were carried out.

Rules and regulations at the Federal level addressing organ allocation will not address the critical issue of organ shortage. That is why this bill and the Barrett-Kleczka amendment are necessary. I am a cosponsor of this amendment because I want all States across the country to share Wisconsin's success in organ procurement and transplants.

I urge my colleagues to support this amendment and to provide States with the resources to address the underlying reason for the organ allocation problem in America today, the scarcity of donated organs.

Mr. BLILEY. Mr. Chairman, may I ask, do I have the right to close?

The CHAIRMAN pro tempore (Mr. EWING). Under the circumstances, the gentleman from Wisconsin (Mr. BARRETT) has the right to close, since the gentleman from Virginia (Mr. BLILEY) is not opposed to the amendment.

Mr. BLILEY. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I want to just take a few seconds, really, to commend the gentleman from Wisconsin (Mr. BARRETT). He is on the committee, he is on the subcommittee, and he has heard all of the arguments and debate in the hearings.

In the process, unfortunately, of taking something which should have been worked out by the parties, and this is something we all were strongly hoping for and unfortunately it did not work out, because, as somebody said earlier today, we should not even really have to be doing something like this on the floor. The truth is that we should not have to, but we were forced to.

In the process of all that, however, many people said that what we really have to concentrate on is how to improve the harvesting of organs to get additional donations of organs and whatnot.

I think that the gentleman from Wisconsin (Mr. BARRETT) by his amendment is basically the only one who has addressed that at this point in time. We are hopeful we can work together to improve what he has come up with once this is behind us.

We want to commend him. I support his amendment and I want to publicly say so, particularly to commend him for coming up with these very innovative ideas. They do not go as far as we all would like them to go, but it certainly goes in the right direction. I want the gentleman to know that I appreciate it very much. I do commend the gentleman.

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

Mr. Chairman, I want to thank the gentleman from Florida. I wish he had more time, because he is so nice to me.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Chairman, I thank my friend for yielding me this time.

For someone just tuning in, Mr. Chairman, they are probably a little surprised to see that we are not actually debating dairy policy right now. Instead, we are talking about the organ donation system in the country. That is because it is very important for the people in Wisconsin, but it is actually as important for people across the country.

I know most of the Members here today are approaching this based on the very local and parochial viewpoint on the issue, but hopefully all of us can see the need and agree to support this very important amendment. I commend my friends, the gentlemen from Wisconsin, Mr. BARRETT and Mr. KLECZKA, for offering this.

This amendment is very simple. It establishes grants to States to foster public awareness, education, and outreach activities designed to increase the number of organ donors within the State. There is a shortage of organ donors across the States. I am very proud that my own State of Wisconsin has an excellent record of organ procurement. In 1999, the University of Wisconsin was one of the top organizations in organ procurement.

In fact, many States across the country including Alabama, California, Hawaii, Indiana, Missouri, Montana, and Texas, just to name a few, have implemented innovative programs to increase organ donation. In fact, Wisconsin has a model intensive education program that works closely with schools, community groups, church groups, and the hospitals to allay individuals' questions and concerns relating to organ donation.

This amendment recognizes the critical role that States can play and are playing in improving organ donation. I would urge my colleagues to support it.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. BARRETT).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in House Report 106–557.

AMENDMENT NO. 5 OFFERED BY MR. SCARBOROUGH

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SCARBOROUGH:

Page 29, after line 17, insert the following:

SEC. 8. NULLIFICATION OF FINAL RULE RELATING TO ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

Notwithstanding any other provision of law, the final rule relating to the Organ Procurement and Transportation Network, promulgated by the Secretary of Health and Human Services and published in the Federal Register on April 2, 1998 (63 Fed Reg. 16296 et seq. adding part 121 to title 42, Code of Federal Regulations) and amended on October 20, 1999 (64 Fed. Reg. 56649 et seq.), shall have no force or legal effect.

Page 29, line 18, redesignate section 8 as section 9.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, the gentleman from Florida (Mr. SCARBOROUGH) and a Member opposed each will control 15 minutes.

Is there a Member opposed to the amendment?

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. BROWN) will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, first of all, I rise in strong support of this bipartisan legislation, which obviously is going to reorganize the National Organ Transplant Act of 1984. It is a critical piece of legislation that will obviously save lives, and I want to say right now that I certainly heartily support the bill. I want to thank the gentleman from Virginia (Mr. BLILEY) and the gentleman from Florida (Mr. BILIRAKIS) for their hard work on the bill.

The Scarborough-Thurman amendment is actually a friendly amendment

that preserves the use of real science and medicine in allocating organs. It keeps organ allocation out of the hands of Federal bureaucrats and keeps it with local doctors and also with local communities.

Unfortunately, in 1998, a bureaucratic rule was passed that tried to centralize all the power in the Department of HHS, and also centralize all of the decision-making authority with Donna Shalala and her bureaucracy. It was nothing less than a hijacking of the process, and today, as we talk about passing this important, critical bipartisan legislation, it is important to remember that this centralizing rule that allows bureaucracies to make decisions and not local doctors and local hospitals, local medical providers, and local communities, is still in effect.

□ 1515

The recent Institute of Medicine study concluded that the current organ transplant system is fair and does a very good job of acquiring and allocating organs for transplantation. However, like any system there is room for improvement but those decisions for improvement should be made by the people who are best equipped to make the decisions, the transplant community rather than the HHS bureaucracy.

My amendment clarifies that the authority to set transplant policy rests with the transplant community and results from bottom up consensus driven processes, not by a regulatory fiat.

The Institute of Medicine also contradicted the underlying rationale for the controversial rule on organ allocation proposed by the Department of HHS. In an analysis of 68,000 liver patient records, the IOM panel said, quote, the overall median waiting time that patients wait for organs, the issue that seems to have brought the committee to the table in the first place, is not a useful statistic for comparing access to or equity of the current system of liver transplantation, especially when aggregated across all categories of liver transplant patients.

HHS has vigorously maintained that reducing regional differences in waiting time was the primary goal of the rule on organ allocation, but the practical effect of the rule would be to shift organs that are currently used for transplants in many local or regional transplant centers across the country to just a few very large national centers. This centralization of the process in Washington, D.C. could mean that patients waiting for a transplant at a local center are going to have to wait much longer or actually have to relocate closer to a national center if they hope to get the transplants that they so desperately need.

Now, for many patients, particularly poor, lower income patients, this could present a formidable economic obstacle for them and their families. To make matters worse, States where these national centers are located may not accept Medicaid from the patient's home State. Again, who is penalized? It is the low-income patient. The policy mandated by HHS will impair access to transplantation services for these low-income patients and lack of access to organs may drive some regional transplant centers completely out of business, inflicting a fundamental blow to patient access and, most importantly, to patient choice.

Congress must step in and act to assure that allocation policies that have been developed will not harm patient access to local transplantation services. The amendment that the gentlewoman from Florida (Mrs. THURMAN) and I would offer simply nullifies the final rule issued by HHS Secretary Donna Shalala that gives HHS the sole, centralized bureaucratic authority to approve or disapprove organ allocation policies that are currently established by the private sector transplant community.

It just makes absolutely no sense to centralize this process in one Washington bureaucracy and basically dictate what transplant centers across this Nation will do.

The Shalala rule is a bad rule. It makes no sense. It hurts those that are the lowest income transplant patients and, most importantly, it hurts choice.

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

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

Mr. Chairman, I rise in strong opposition to the Scarborough amendment. The Department of Health and Human Services has worked with the transplant community and with UNOS to develop a final rule that reflects the Institute of Medicine recommendations, that reflects common sense.

On what basis should this body nullify those months of work, those hours and hours of time put in by HHS and outside experts?

Let me quote William Payne, MD, the President of UNOS. Dr. Payne, from listening to the debate today, must be quite a special man. After all, proponents of H.R. 2418 are comfortable bestowing upon him authority over matters critical to the public interest and to public health and to ensure that his decision-making is unencumbered by accountability to the public.

Let me quote Dr. Payne. In a letter he wrote a couple of weeks ago to my friend, the gentleman from Michigan (Mr. DINGELL) Dr. Payne said, quote, UNOS and HHS are working closely together to ensure an effective and efficient implementation of the Department's final rule, including the organ allocation provisions.

Let me read that again. UNOS and HHS are working closely together to ensure an effective and efficient implementation of the Department's final rule, including the organ allocation provisions, unquote.

So, even the President of UNOS seems supportive of HHS rule. So why should we overturn those rules?

Mr. Chairman, HHS has worked hard to ensure the final rule reflects Institute of Medicine recommendations. HHS has worked hard to ensure that the final rule reflects the views of patients, of donors, of the medical community, and the current contractor handling organ allocation.

The only reason, the only reason to nullify the HHS rule, is to perpetuate inequities in the system that we have heard so much about today and the lax oversight that has allowed these inequities to become entrenched in our organ allocation system.

Proponents of H.R. 2418 claim that HHS is engaging in a power grab. I maintain HHS is claiming, on behalf of the public, on behalf of taxpayers whom it represents, authority that does not belong to a private contractor.

Again, the right way to serve the public interest is not to protect a private government contractor from public input. It is to ensure that private and public interests work together to build the best, most equitable system possible. That is the fundamental principle articulated in the Institute of Medicine report, and it is a defining principle underlying the HHS final rule.

I urge my colleagues to oppose the Scarborough amendment, which undercuts both IOM, Institute of Medicine findings, and a final rule that is thorough and is fair.

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

Mr. SCARBOROUGH. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. BLILEY), the chairman of the committee.

Mr. BLILEY. Mr. Chairman, I thank the gentleman from Florida (Mr. SCARBOROUGH) for yielding me this time.

Mr. Chairman, I rise in support of this very straightforward Scarborough-Thurman amendment which nullifies the administration's organ regulation. This amendment clarifies for HHS that once H.R. 2418 becomes law, the Department must issue a new regulation to comport with the new authorization and to include lessons learned from 2 years of fighting with Congress.

I encourage my colleagues to join me in voting yes on the Scarborough-Thurman amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Chairman, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time.

Mr. Chairman, this is a difficult issue because we have good friends who we respect on both sides of this amendment, on both sides of this bill. We come to our decisions with very deep and heartfelt life experiences that we have seen. This, I think, unlike most other pieces of legislation that we should argue and debate about, many of us have had firsthand experience.

I kind of grew up professionally, before I was a Member of Congress, I was

in the news media in Pittsburgh and knew and still know Dr. Thomas Starzel, who is the father of much of the transplant technology that we have not only across this Nation but around this world.

The University of Pittsburgh, where Dr. Starzel and many of the other doctors who he trained and they trained other doctors, really went from an infancy of transplanting where there was seldom people that really survived for very long to the point where it is almost as commonplace as changing a carburetor in an automobile or an engine in a truck or a car to change major body parts and have people survive.

What a miraculous and historic time we live in.

The question here is, who plays God? Let us not make any questions or any qualms about this. It is, where is the authority? The question is, do we take a private contractor, UNOS, and allow them to be the sole decision maker here? Or is there some government oversight?

I have heard much of the rhetoric today that we do not want some centralized, bureaucratic decision-making process based here in Washington, D.C. Well, that is what we typically call folderol in western Pennsylvania, because there is certainly not any monopoly on bad decision-making process in government.

I have been the ranking Democrat on the Subcommittee on Oversight and Investigations that has jurisdiction over, among other agencies, the Health Care Finance Administration. As we looked at the fiscal intermediaries, those insurance companies that we put in place to handle Medicare payments to hospitals, we found vast numbers of them that have ripped off the system for tens of millions of dollars. They have paid criminal and civil penalties for doing it. They have admitted their guilt.

We must have some government oversight. As I said earlier when we were debating the LaHood amendment, we depend on the Secretary and the agency to help us determine what medicines and what medical devices are safe and to tell us what the NIH criteria should be for research, what Medicare should cover. Now all of a sudden we want the government out and we want a private contractor making all of these decisions.

One cannot talk very badly, when they talk about the transplants, about the so-called national centers, whether it is at Pittsburgh, Stanford University, Cedar Sinai because these centers, and I have seen it firsthand, accept the sickest patients, patients quite often that would not be accepted for transplant in some of the smaller institutions around the country.

They accept people not just from their State, not just from their geographic location but from everywhere. We have seen circumstances where patients would come to the University of Pittsburgh, for example, and would not be able to get an organ from their home State because that State wanted to keep those organs in that State. We are simply talking about Health and Human Services, the Federal Government, working with UNOS, working with the transplant community, to set up a better, more definitive decision-making process. It does not have to be all one way or all the other way.

We cannot put private contracting agencies, with no recourse, with no checks and balances, in the position of playing God. That is what this amendment would do.

I must rise in strong, strong objection to this amendment, and I hope that there are Members who are not here that are watching on their TVs in their offices and that they will come here and vote against this amendment. It is not because I have an objection to the authors. I think that they have offered this with the best of aforethought, but on this, Mr. Chairman, we have a very deep-seated disagreement, and this amendment should be voted down.

Mr. SCARBOROUGH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would say, first of all, it sounded to me like we were really having to choose between two false choices there because right now the Federal Government does have oversight. HHS does have oversight. It had oversight when this bill was passed into law in 1984.

HHS has oversight, but what has happened now is oversight is not enough. They want to completely hijack the process. They want to be able to dictate whether somebody that dies in the Congressman's district near Pittsburgh can get an organ transplant in Pittsburgh or whether they decide they are going to have to go to Stanford University in California. It is unfair to the poorest people and it is wrong. Donna Shalala does not have a right to hijack the process.

Mr. Chairman, I yield 5½ minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Chairman, I thank the gentleman from Florida (Mr. SCARBOROUGH) for yielding and I want to say that he has done a lot of hard work on this and I am proud to be standing here as a cosponsor with him on this floor today.

Mr. Chairman, I am rising in strong support of the underlying bill, H.R. 2418, but as well to this amendment. Some people might say well, why do we have to have this amendment when the bill reauthorizes the pre-HHS rule organ policies? Well, the truth is that this bill will reauthorize and strengthen the organ policies of our country. However, the HHS rule will still be in place and we would need to nullify that rule in order to turn these decisions back over to medical doctors.

So if one is for this underlying bill, they need to be for this amendment.

We have talked about that there are more than 63,000 Americans who are awaiting an organ transplant and each year about 4,000 Americans die because there are not enough donated livers, kidneys, and other organs to go around.

□ 1530

I just might insert here that, under the Health Resources and Services Administration, while they go through talking about reasons that we should improve the Nation's organ transplant, this is a part of HHS, the very last statement that they make is: the primary problem remains the shortage of organs available for transplantation. Absolutely the bottom line of all of this. So we all agree that we must increase the number of organ donations in our country. However, not all of us agree on how to do this.

The Department of Health and Human Services believes the way to solve the problem is to move the organs from one part of the country to another. Although many people think this may help the organ shortage problem, do my colleagues know what I think? I believe this will only change the demographics of where people will die.

As long as there is an unequal number of patients needing transplants compared to organs available, people are going to die.

I do not disagree with Secretary Shalala's assertion that people in different areas of the country are waiting for different lengths of time. However, I have to insert here that it is important to remember that the very sickest patients, those who are in intensive care units, the current waiting period among all transplant centers is very short, less than 6 days in all regions of the country, in all regions of the country. This was publicly acknowledged by HHS officials at the same time that they issued the regulations.

However, we also do not believe, or that it is clearly an oversimplification to think that reallocating the available organs will have a positive impact on the outcome. UNOS says history shows that organ donation is a local phenomena. Organ donations rise in communities that have transplant centers and fall when centers close.

I have also heard several Members rise and talk about how lower-income individuals are not receiving organs in a timely manner. First, my colleagues should know that income is not taken into consideration when a patient is put on a transplant list.

Also, my colleagues should know that HHS regulations could have a negative impact on individuals who will have to travel great distances and be separated from their loved ones at a time when they are needed most.

Under the HHS rule, the additional travel cost could make it impossible for the 20 percent of transplant patients who are on Medicaid actually who would receive a transplant. Now, how would this happen? Because we think, if this rule stays in place, that

in fact there would be centers in their communities that actually would close.

I also have to tell my colleagues, with the rule, there is a further problem generated by these regulations, one that was never taken into account; and that is the patients will have to become extremely ill before they receive a transplant. However, under the current rules and the UNOS policy, an individual's likelihood for a successful transplant is taken into consideration.

Why should the Secretary have the power to determine who gets an organ? UNOS, along with the medical community, needs to determine who needs the organs the most and who will most likely be a successful transplant recipient.

My State of Florida has done an incredible job of increasing the number of individuals who agree to be an organ donor. Why should my State and my local transplant centers be punished for doing a good job? Why should the Federal Government dictate that someone who is a status 2 patient in another State should get an organ before a status 2 patient in Florida?

Allocation policies must be based on sound medical decisions, decisions made by the board of UNOS, not decisions handed down by the Federal Government.

My colleagues might also be interested to learn that kidneys must be compatible, and I do have personal experience on this. With regard to the liver, UNOS has recently taken steps to approve a new liver allocation plan which calls for developing new, more objective criteria for listing patients in the progressive illness categories.

The bottom line is we need to pass this amendment. If my colleagues agree with the underlying bill, then this amendment is what is needed so that we can make sure of what the gentleman from Ohio (Mr. BROWN) said, that UNOS and the Department can sit down and come up with one that is more aggressive for everybody.

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

Mr. Chairman, I want to recap sort of where we have been with this controversy in the last couple of years. Two years ago, almost exactly to this day, in early April of 1998, HHS promulgated what was called the final rule at that point on this. Soon after, our colleague who has since left, Mr. Livingston, inserted or added in the appropriations process a rider calling for an Institute of Medicine study and saying that he was particularly unhappy, as many Members of Congress were, in some cases legitimately, with what had transpired and with the HHS rule.

The Institute of Medicine study came up with several interesting things. This is the study I hold here. It is 200 pages. It is clearly well thought through and well considered and well constructed with good recommendations. This Institute of Medicine study was factored into revised rules by HHS. The proposed finalized, revised version, which was issued October 20, 1999, included IOM rules. It included some of the considerations and ideas from the public. It included input from UNOS.

That is why, in the end, that Dr. Payne, and I said this earlier, why Dr. Payne, the President of UNOS, has written that UNOS and HHS are working closely together to ensure an effective and efficient implementation of the Department's final rule set for March 16, including its organ allocation provisions.

That is exactly the point. HHS issued a rule. Congress stepped in, said we need this IOM study. We got this IOM study. The study from the Institute of Medicine was incorporated in the new HHS rule. In this proposed finalized, revised version issued October 20, other changes recommended by UNOS, recommended by the public were incorporated.

That is why the very respected Dr. Payne, who is head of UNOS, said that UNOS and HHS is working together. That is why we should oppose this amendment. That is why we should oppose this bill if the amendment is incorporated.

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

Mr. SCARBOROUGH. Mr. Chairman, can I inquire how much time each side has remaining.

The CHAIRMAN pro tempore (Mr. HOBSON). The gentleman from Florida (Mr. SCARBOROUGH) has 3½ minutes remaining. The gentleman from Ohio (Mr. BROWN) has 5½ minutes remaining.

Mr. SCARBOROUGH. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, March 16, 2000, that was last month. It was a Thursday. HHS and Donna Shalala decided that they knew better than doctors, they knew better than hospitals, they knew better than the entire transplant community. They substituted their opinion for that of patient, for doctor, family, and decided that they would make the call that their opinion was what counted when it came to transplants. It was a day on which they issued a rule that threatens the health of tens of thousands of Americans.

This amendment is necessary because we need to send a strong signal, this body, that medical decisions are not made by Federal bureaucrats that do not have a medical degree. They are made by the medical community. They are made by the hospital. They are made by the patients.

This amendment is a good amendment. On three occasions, the Congress has voted to stop that rule. It is time to put a stake through the heart of that ill-conceived rule.

Mr. SCARBOROUGH. Mr. Chairman, do I have the right to close?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. BROWN) has the right to close.

Mr. SCARBOROUGH. Mr. Chairman, I yield the remaining time to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I support the amendment, and I am in support of the final passage of the basic bill.

Really, the transplant community has put it a lot better than any of us could. I would like to just share with my colleagues some excerpts from some of their comments. ''A 'sickest first' policy would increase the number of retransplants as more patients experience graft rejection, and thus reduce the number of organs available for transplantation overall. Patients would have to become 'sicker' in order to receive a transplant, thus reducing their chance for survival. This would be completely counterproductive and result in increased cost with reduced success.'' I quote Dr. R. Robert Higgins, Director of Thoracic Organ Transplantation, Henry Ford Hospital in Michigan.

He went on to say, ''A national list coupled with a sickest-first policy would make it all but impossible for my patients and in particular patients everywhere that are poor or minority patients, to receive a transplant. From a physician's point of view, without available organs, there is nothing I can do to help my patients over the longer term. If the rule were in effect today, the Federal Government would essentially be denying the benefits of organ transplantation to a broader number of patients.'' Dr. Higgins of Henry Ford Hospital made those comments.

Joseph Brand, chairman of the National Kidney Foundation: ''We believe that less patients would receive liver transplants if the OPTN were required to develop policies where organs are allocated to the sickest candidates first. Such candidates are likely to have poor outcomes and require repeat transplants, thus reducing the number of organs available for other candidates. Furthermore, NKF has maintained that a 'sickest first' policy should not be applied to renal transplantation because of the availability of dialysis as an alternative therapy.''

Mr. John R. Campbell, senior vice president and general counsel of LifeLink says, in talking about the great instances of the donations: ''First, costs will dramatically increase, because of the required private jet transportation of hearts and livers. Second, 'warm' time,'' W-A-R-M time, ''or the time from organ procurement to implantation, will increase, and thereby decrease the function of the organs. This will also increase costs. The patients at the 'top' of the transplant list are very sick, and do not do as well with their transplants as other patients. Therefore, retransplants will increase because very sick patients are more likely to experience rejection of the organ, and transplant hospital stays will increase.''

Mr. Chairman, I include all of these comments for the RECORD as follows:

ADMINISTRATION REGULATION WOULD HURT ORGAN SUPPLIES

QUESTION POSED FOR APRIL 15, 1999 HEARING ON: PUTTING PATIENTS FIRST: INCREASING ORGAN SUPPLY FOR TRANSPLANTATION

The proposed HHS regulations to reallocate organs state that ''the OPTN is required to develop equitable allocation policies that provide organs to those with the greatest medical urgency, in accordance with sound medical judgment.'' When President Clinton signed H.R. 3579, the Supplemental Appropriations and Rescissions Act, on May 1, 1998, which extended the public comment period and implementation deadline for the HHS OPTN regulations, he issued a written statement in opposition to extending the comment period on the rule. In stating his reasons for opposing the extension, President Clinton stated that ''The final rule would ensure that organs are allocated to the sickest candidates first.'' What would be the supply-side effects of a policy where organs were to be allocated to ''the sickest candidates first''?

RESPONSES

''A 'sickest first' policy would increase the number of re-transplants as more patients experience graft rejection, and thus reduce the number of organs available for transplantation overall. Patients would have to become 'sicker' in order to receive a transplant, thus reducing their chance for survival. This would be completely counterproductive and result in increased cost with reduced success.''—Dr. R. Robert Higgins, Director of Thoracic Organ Transplantation, Henry Ford Hospital.

''The supply-side effects would result from the increased transplant of sicker patients, at great distance from the location of the donation. First, costs will dramatically increase, because of the required private jet transportation of hearts and livers. Second, 'warm' time, or the time from organ procurement to implantation, will increase, and thereby decrease the function of the organs. This will also increase costs. The patients at the 'top' of the transplant list are very sick, and do not do as well with their transplants as other patients. Therefore, retransplants will increase because very sick patients are more likely to experience rejection of the organ, and transplant hospital stays will increase. Data indicates that a new allocation scheme would substantially increase organ wastage. Also, in States like Florida, the hard work and dramatic success of our local and state organ donation partnership will be diluted by siphoning organs to out-of-state transplant centers. We believe donor families are more likely to donate knowing that the organs will benefit their local community. But we also believe that the staff responsible for acquiring consent and arranging the logistics of organ donation are also motivated by the knowledge that patients in their community are being helped by their hard work. The immediate results are apparent to everyone involved, and give them the greatest incentive to work at their maximum efficiency.''—John R. Campbell, P.A., J.D., Senior Vice President and General Counsel, LifeLink.

''We believe that less patients would receive liver transplants if the OPTN were required to develop policies where organs are allocated to the sickest candidates first. Such candidates are likely to have poor outcomes and require repeat transplants, thus reducing the number of organs available for other candidates. Furthermore, NKF has maintained that a 'sickest first' policy should not be applied to renal transplantation because of the availability of dialysis as an alternative therapy.''—Joseph L. Brand, Chairman, National Kidney Foundation, Office of Scientific and Public Policy.

''UNOS modeling of a 'sicker patient first' policy indicates that more organs would be wasted and fewer patients transplanted with poorer overall results. Unfortunately, sicker patients are more likely to die or lose their transplants to post operative complications. My experience in the private practice of medicine for over 25 years, taught me early on that I couldn't 'cure' everyone; that, unfortunately, not everyone would ever have equal access to medical care, and one had to learn to deal with 'the hand you were dealt.' It is, and always will be, an imperfect world.''—Robert A. Metzger, M.D., Medical Director, Translife.

''The ASTS has made it clear that we believe the impact of such a 'sickest first' policy would be contrary to our goal of insuring that the precious organs presently available provide the maximum benefit to the maximum number of Americans in an equitable fashion. This point was made in testimony presented at two previous Congressional hearings by Dr. Ronald W. Busuttil, President-elect of the Society and director of the world's most active liver transplant center in UCLA, and I am submitting copies of his testimony with this response. I also include a copy of our written testimony to the Institute of Medicine, presented by Dr. Busuttil on April 16th, which expands on these points. Unfortunately, critical care medicine and vital organ transplantation is not an exact science. That is why a significant number of Status 3 liver patients, those thought to be the least sick, die while in that status. We urge the Congress to leave decisions of this kind in the hands of the medical professionals—who battle these life-and-death issues with their patients every day—and not permit them to be imposed by governmental authority far from the trenches where life and death is played out. The simple answer is that there are some changes that must evolve in the distribution of life-saving organs for transplantation, as they have evolved in the past. This can be accomplished with the help of the federal government, but not with the implementation of a radically new OPTN rule which with its current inferences, language, and preamble has resulted in soundbites such as 'sickest patients first.' ''—Joshua Miller, M.D., President, American Society of Transplant Surgeons.

''This has been discussed in detail by PAT Coalition. Allocation to the 'sickest first' on a national level will increase wait list mortalities, waste organs, increase retransplantation rates, disadvantage medically and economically disenfranchised segments of the population by limiting access to transplantation for indigent patients as smaller centers are forced to close their doors. The organs would be diverted to the most critically ill patients first, regardless of their location. While this may sound like a fair and reasonable way to allocate organs, a policy such as this may actually result in lost lives. The immediate and long term survival of liver transplant recipients is directly dependent on their preoperative condition, with significant decompensation adversely affecting survival. Blindly applied legislation may mean that a significant number of organs are given to people with little chance of survival. Organs may not become available for others until they too are critically ill with little chance of survival.''—Amadeo Marcos, Assistant Professor of Surgery, Director of the Living Donor Liver Program, Division of Transplantation, Medical College of Virginia.

''We believe that the current system of policy development is sound. It is based on consensus building and medical judgement. Major changes to the liver and heart allocation policies have been instituted during the past two years by the Organ Procurement and Transplantation Network ('OPTN') contractor, the United Network for Organ Sharing ('UNOS'). This includes standardized listing criteria for patients and changes to the status designations for liver and heart patients. We believe that the current system, while not perfect, is designed to ensure that the sickest patient is offered the organ first. We know in our region that the vast majority of patients receiving heart and liver transplants are transplanted at the highest level of acuity and are the sickest patients in our region. We believe that further changes to mandate a single national list for allocation, may lead to organs being wasted and potential donors lost given the attendant medical and social issues.''—Howard M. Nathan, President and Chief Executive Officer, Coalition on Donation.

ADMINISTRATION REGULATION WOULD HARM LOCAL ACCESS TO TRANSPLANT SERVICES

QUESTION POSED FOR APRIL 15, 1999 HEARING ON: PUTTING PATIENTS FIRST: INCREASING ORGAN SUPPLY FOR TRANSPLANTATION

In your estimation, how would the Department of Health and Human Services regulations published April 2, 1998, affect your patients and your ability to provide the highest quality of medical care for them? What impact will this rule have on local access to transplant services nationwide?

''A national list coupled with a sickest first policy would make it all but impossible for my patients and in particular patients everywhere that are poor or minority patients, to receive a transplant. From a physician's point of view, without available organs, there is nothing I can do to help my patients over the longer term. If the rule were in effect today, the federal government would essentially be denying the benefits to organ transplantation to a broader number of patients.''—Dr. R. Robert Higgins, Director of Thoracic Organ Transplantation, Henry Ford Hospital.

''We believe that our local transplant center patients will be significantly and negatively impacted, as will the vast majority of the country's 120 liver transplant centers. Donated livers will be sent from Florida to a half dozen urban regional transplant centers—none of which are in the southeast. Our community will be deprived of this life-saving resource, a resource which our local citizens and the community have developed together. Highly skilled doctors and nurses will no longer perform the same number of transplants. Local centers may be forced to close their doors. In addition, access for low-income patients may be decreased. Medicaid patients may be unable to obtain transplants outside their home state, and other patient families may not be able to accompany their loved one to support them at a faraway transplant center. Also, organ donation will be affected. Many donor families have stated that a key factor in their decision to donate was the knowledge that they would be helping someone within their community. Eliminating this motivation may substantially reduce voluntary organ donation nationwide.''—John R. Campbell, P.A., J.D., Senior Vice President and General Counsel, LifeLink.

''We are concerned that the April 2, 1998 regulations have politicized the organ donation/organ allocation process since they give the DHHS Secretary veto power over OPTN Policy. Transplantation should be based upon medical science, not politics. We are concerned that the rule may cause some local transplant centers to close and that would make it difficult for low income transplant candidates to receive a transplant. Such candidates may not be able to afford to

travel to distant transplant centers for evaluation, the transplant itself and post-operative care and testing.''—Joseph L. Brand, Chairman, National Kidney Foundation, Office of Scientific and Public Policy.

''The Health and Human Services rule that would mandate 'broader' sharing would result in increased waiting times for Florida recipients as our patients currently have shorter waiting times when compared to the national averages. This could potentially lead to further deterioration in their health prior to transplantation. Local access to local organs, the optimal transplant situation, would occur less frequently.''—Robert A. Metzger, M.D., Medical Director, Translife.

''In general the rule as currently written will impact negatively upon patients nationwide. I personally work in a large transplant center, one of the five largest in the world, and am proud of our record over the years. I also have been proud of our organ procurement agency, the University of Miami OPO. This has repeatedly over the years had one of the most enviable records nation- and worldwide in organ retrieval for life-saving transplantation. This is due to our local OPO Director, Les Olson, with whom I have had the privilege of working for 30 years, first in Minnesota, and then for over 20 years in South Florida. Please make no mistake. Organ donation is a local phenomenon dependent on the expertise of professional personnel. That also accounts for the great records in organ retrieval of Lifelink in West Florida, for Translife in Central Florida, and for the University of Florida OPOs. How could those who drafted the OPTN rule not acknowledge this? Some of the language in the OPTN rule also will have a negative impact on local access to service. I can expand on this, but I refer you to comments already made by our ASTS (enclosed). It is also worth noting that the vast majority of the written comments on the rule, collected by DHHS and not yet described by the Department, are understood to have been negative.''—Joshua Miller, M.D., President, American Society of Transplant Surgeons, University of Miami School of Medicine.

''The portion of the April HHS rule which would create a national wait list will severely limit access to transplantation for the indigent population by forcing small and moderately sized centers to close their doors. This concept is designed to support only a select few very large transplant centers, which would regionalize access to transplantation to only a few places in the entire country. It is obvious that moderately sized centers, such as our own, not only can provide high quality transplant patient services, but also provide the innovative driving force required to develop something like a 'living donor adult-to-adult right lobe' liver transplant program, etc.''—Amadeo Marcos, Assistant Professor of Surgery, Director of the Living Donor Liver Program, Division of Transplantation, Medical College of Virginia.

''Mandating a national allocation system for all organs is likely to spur growth at a few large centers in the country but may impact the viability of smaller programs. This may have the effect of reducing or inhibiting access to services by those recipients and their families who are not able to travel to large centers due to economic and other barriers. Additionally, mandating a national allocation system of organs will eliminate the concept of local neighbor helping neighbor. Complete elimination of the concept of neighbor helping neighbor may adversely impact donation. Finally, a national allocation system disregards differences in medical judgment and opinion. It also disregards the practices of transplant surgeon who perform the organ recovery and view the organ in the donor patient and evaluate biopsy results (for livers) in order to evaluate suitability for transplant generally, as well as suitability for a specific recipient.''—Howard M. Nathan, President and Chief Executive Officer, Coalition on Donation.

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

Mr. Chairman, people have sort of heard these debates and arguments on this over and over. I would just like to recap, not just on the Scarborough amendment, but sort of this whole debate, and ask my colleagues to vote ''no'' on Scarborough and ''no'' on final passage.

We have heard Dr. Payne's comments, the president and head of UNOS, and his comments about the importance of these pending negotiations. If my colleagues read what his comments said in his letter to the gentleman from Michigan (Mr. DINGELL) and his other comments, they can clearly see that he wants this process to go on, these negotiations to go on, and not particularly welcoming of congressional interference.

I would also add that we have inserted in the RECORD a statement from the President's advisors that they will recommend a veto on this legislation if, in fact, anything close to its present form reaches the President's desk.

We have also received a letter from the Justice Department reiterating that they strongly believe that this is unconstitutional; and if for some reason, which they do not think would happen, it is not declared unconstitutional, their belief is it shifts power in some sort of the wrong way from the Government to a private sector, private interest group that does not really have any public accountability.

Equally as important, Mr. Chairman, the main argument that the proponents of this bill have made, the proponents of the Scarborough amendment, is that this process, by turning over authority to UNOS, that this process will actually increase the number of donations, organ donations, which is the goal we all aim for.

I would cite from the Institute of Medicine on page 10: ''The committee believes strongly that the effectiveness and productivity of organ procurement is highly dependent on good working relationships at the local level.'' That is clearly what we need to do. But they go on in spite of what we have heard from the other side to say: ''However, our committee finds no evidence that broader organ-sharing arrangements will lead to reduced rates of donation.'' That if organs go farther across the country, it simply does not affect people's proclivity to donate organs. What makes people want to donate organs is that they believe it will save lives.

The Institute of Medicine supports the role of HHS. The Institute of Medicine study here is included in the HHS rules. Shifting power from representatives of the people, from elected and appointed government officials to a private bureaucratic organization is the wrong way to go. The HHS rules will save lives.

We should vote ''no'' on Scarborough. We should vote ''no'' on final passage.

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

Mr. BROWN of Ohio. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I really appreciate the gentleman yielding, because he knows I am going to rebuff some of what he has said.

Basically it is not a shifting of power. For 16 years, it has been UNOS, which is contracted, set up by HHS quite some time ago with the rights to terminate those contracts and that sort of thing.

□ 1545

So it is not a shift of power. In fact, the effort is being made to shift the power from this private agency contractor, from UNOS, back to the Federal Government. That is the shift.

The gentleman from Pennsylvania (Mr. KLINK) talked earlier about all of a sudden. Well, all of a sudden is really what has taken place here. Because for 16 years it was being done a certain way and, all of a sudden, HHS has decided to grab the power.

I appreciate the gentleman yielding.

Mr. BROWN of Ohio. Mr. Chairman, reclaiming my time and in closing, I would reiterate that there is no place in our entire government where the government has abdicated its responsibility and given this kind of authority, this kind of power, with so little government oversight to a bureaucratic organization that is not really accountable to the public.

That is why most of us on this side of the aisle ask for a ''no'' vote on the Scarborough amendment and a ''no'' vote on final passage.

The CHAIRMAN pro tempore (Mr. HOBSON). All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. SCARBOROUGH).

The amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHABOT) having assumed the chair, Mr. HOBSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2418) to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation, pursuant to House Resolution 454, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 275, nays 147, not voting 12, as follows:

[Roll No. 101]

YEAS—275

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Barton
Bass
Bateman
Bentsen
Berkley
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matsui
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—147

Ackerman
Baca
Barrett (NE)
Bartlett
Becerra
Bereuter
Berman
Biggert
Blagojevich
Boehlert
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Doyle
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Frank (MA)
Gejdenson
Gekas
Gilchrest
Goodling
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hinchey
Hoeffel
Holden
Hoyer
Hyde
Jackson (IL)
Jones (OH)
Kanjorski
Kennedy
Kildee
King (NY)
Klink
Kucinich
LaHood
Lantos
Larson
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McIntyre
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sessions
Sherman
Sherwood
Shimkus
Slaughter
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Terry
Thompson (CA)
Tierney
Toomey
Towns
Udall (CO)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Weygand
Wise
Woolsey
Wynn

NOT VOTING—12

Brady (PA)
Campbell
Cook
Crane
Diaz-Balart
Fattah
Greenwood
Martinez
Myrick
Quinn
Shuster
Vento

□ 1614

Messrs. OWENS, DOOLEY of California, PORTER, HINCHEY, and Mr. DELAHUNT changed their vote from ''yea'' to ''nay.''

Messrs. SHAYS, GILMAN, Mrs. MEEK of Florida, Ms. KILPATRICK, Mr. INSLEE, and Mr. MATSUI changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1615

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2418, ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK AMENDMENTS OF 1999

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2418, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill, H.R. 2418.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3660, PARTIAL-BIRTH ABORTION BAN ACT OF 2000

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–559) on the resolution (H. Res. 457) providing for consideration of the bill (H.R. 3660) to amend title 18, United States Code, to ban partial-birth abortions, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1824

Mr. MASCARA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor on H.R. 1824.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

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

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—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 Commerce:

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102–356), I transmit herewith the report of the Corporation for Public Broadcasting.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *April 4, 2000*.

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.

STATE DEPARTMENT HAS CERTIFIED CUBA AS CHILD-ABUSER

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. Mr. Speaker, I would like to refer to an article that was in Human Events on February 18 of this year entitled ''State Department has Certified Cuba as a Child-abuser'' country. And the article reads as follows, ''the Clinton State Department's most recent annual human rights report describes Fidel Castro's Cuba as a vicious police state where children in particular are targeted for abuse by the government, but that, apparently, means nothing to the Immigration and Naturalization Service, an agency of Attorney General Janet Reno's Justice Department, which remains determined to deny even an initial political asylum hearing to a 6-year-old Elian Gonzalez, the Cuban boy who arrived in Florida on Thanksgiving Day clinging desperately to an inner tube.

An INS spokesman told Human Events last week that the agency will not alter its position because of information in the State Department report. The INS has determined, said spokesman Maria Cardona, that the true will of the boy's father is that he be returned. Is it impossible, she asked rhetorically, that a little boy could grow up in a loving family in Cuba?

President Castro exercises control over all aspects of Cuban life through the Communist Party and the state security apparatus says the State Department report published in February 1999. A new report is due out in a few weeks.

Castro says the report uses agents of the Ministry of the Interior to investigate and suppress all public dissent. The agents recruit informers throughout Cuban society to create a pervasive system of vigilance. Jailed dissidents face a prison system designed to terrorize. Prison guards and state security officials says the State Department also subjected activists to threats of physical violence, systematic psychological intimidation and with detention or imprisonment in cells with common and violent criminals, aggressive homosexuals or state security agents posing as prisoners.

The report also cites widespread tuberculosis, hepatitis, parasitic infections and malnutrition in Castro's prisons. Prison officials, it says, regularly confiscate food or medicine brought to political prisoners by their relatives.

Short of imprisonment, Cuban dissidents are frequently targeted for systematic harassment campaigns or acts of repudiation. Castro routinely conscripts children, get this, conscripts children to participate in these campaigns in which neighbors, fellow workers and members of state-controlled organizations are corralled in front of a target's house. Once in place, they are coached to yell obscenities, damage property, and even physically attack the target.

In 1998, for example, Castro targeted the family of a journalist whom he ordered arrested for allegedly insulting him. Communist Party leaders and government officials conscripted local workers and grade school students and high school students to rally in front of the family's home and shout obscenities at the occupants before plain-clothes security agents bashed down the door and beat family members.

Cuban youths are also forced to provide labor to the state. The government employs forced labor, including that by children reports the State Department.

All students over age 11 are expected to devote 30 to 45 hours of their summer vacation to farm work, laboring up to 8 hours per day.

These are among the reasons that the U.S. Cuban Reconstruction Act has held that Cuban refugees reaching U.S. soil should presumptively be considered political refugees who face a ''well-founded fear of persecution'' back in Cuba.

Janet Reno has short-circuited this law by claiming that only Elian's father has the standing to apply for asylum on Elian's behalf in the United States. If the State Department is right, of course, for Elian's father to apply could lead, at a minimum, to an ''act of repudiation'' in front of his home.

If returned to Cuba as Janet Reno wishes, Elian also would have to repudiate his mother, who in her own eloquent act of repudiating Castro gave her life to bring her son to freedom.

These are things I think the American people ought to think about before they make judgment about whether or not this boy should be sent back to a Communist prison in Cuba.

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

TRIBUTE TO THE LATE SENATOR MAURINE NEUBERGER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to a former member of the other body who passed away in February, former Senator Maurine Neuberger. My interest in Senator Neuberger stems not only from her achievements as a legislator but also because we share a family connection, albeit somewhat distant. Senator Neuberger was my great uncle's sister-in-law.

Maurine Neuberger served one term in the U.S. Senate from 1961 to 1967, one of the most significant periods in our Nation's history. She was known as an outspoken advocate for consumers, candid and brutally honest in her views, and unafraid to take on even the most entrenched interests. The author of a 1961 Saturday Evening Post article described her as, quote, a woman of independent spirit who feels it is more important to be herself than to bow to the demands of conformity.

Maurine Neuberger was born in 1907 in Cloverdale, Oregon. The daughter of a doctor and dairy farmer, she became a teacher in the Portland school district. It was there that she met her husband and future political partner, Richard Neuberger. Dick Neuberger was already making a name for himself as a journalist and a legislator, and after serving in World War II as a captain, he ran for and was elected to the Oregon Senate. When the couple was returning from an East Coast trip a year later, Dick mentioned that the State House seat in their area was opening up and Maurine said, ''I wish I'd known that. I would have run for it.'' Dick took the offhand comment very seriously and after a long conversation over a few hundred miles of road, the couple pulled over and they

called a friend back in Oregon who filed the necessary papers to make Maurine Neuberger a candidate for the Oregon legislature.

Maurine won that House seat, making the Neubergers the first husband and wife team in U.S. history to serve in the State legislature at the same time. They were both progressive liberals of the day, fighting for consumers, the environment, and civil rights. Maurine never stayed in her husband's shadow and even got more votes than him when they ran for reelection in 1952.

Maurine championed many causes as a State legislator but became known as the champion of the housewife for one cause in particular, overturning a ban on food coloring in margarine. This may sound like a frivolous cause to take up in these days, but to a woman in the 1950s, this was no silly battle. The Oregon dairy industry had lobbied for a ban on yellow food coloring in margarine. This required housewives to add the coloring themselves to improve the look of the whitish margarine for the dinner table. This was a hard and cumbersome task and virtually unknown to the all-male Oregon House. So in 1951, she walked into a crowded Agriculture Committee hearing room, donned an apron and proceeded to demonstrate the difficult process of adding a pellet of food coloring to a pound of margarine. The act made the statewide papers and the ban on food coloring was soon repealed.

When her husband, Dick Neuberger, was elected to the U.S. Senate in 1960, Maurine came to Washington not just as a spouse but as a political adviser and aide. She often attended hearings on her husband's behalf during absences and advised him on pending legislation. But even as a senatorial spouse Maurine could not hide from the limelight.

She created a mini-scandal in 1953 when she participated in a charity modeling show with other Senate wives, wearing a bathing suit. As it was described in the articles of the day, ''the somewhat leggy picture'' caused a stir back home in Oregon. Maurine found the incident amusing, brushing off criticism by saying, ''Well, what do people think Senators' wives wear when they go swimming?''

Dick Neuberger's death in 1960 on the eve of the election's filing deadline came as a shock to both his wife and the State. Maurine was urged to run for the seat by columnists, State politicians, and even her husband's colleagues in the Senate. Minnesota Senator Hubert Humphrey, in an appeal for her to run for the seat, sent a telegram saying, ''I cannot imagine the Senate of the United States without a Neuberger in it.'' She decided to put her grief aside and filed the necessary papers within hours of the deadline.

Maurine Neuberger easily beat the ''caretaker'' replacement who had been appointed by the governor to fill out the term of her husband and in January of 1961 she was sworn in as the third woman in U.S. history elected in her own right to serve in the United States Senate.

□ 1630

In an early interview as Senator-elect, she demonstrated her forward-thinking values, favoring medical coverage for senior citizens, Federal aid for more teachers and classroom construction, pollution controls for automobiles, and a strong civil rights bill.

In her 6 years as Senator, she fought for environmental protections, challenged the meat industry for adding water to hams, and took the bedding manufacturing industry to task for selling flammable blankets. But she will probably be best known for her early and outspoken opposition to the tobacco industry.

Mr. Speaker, 1963 was a time when the dangers of tobacco were just becoming clear. The industry, the Government and even the medical profession fought controls against its sale. Senator Neuberger fought these interests in every arena and even wrote a book on the topic, Smoke Screen: Tobacco and the Public Welfare. She said in the text, ''I have undertaken to write this book because I believe that the moral and intellectual poverty that has characterized our approach to the smoking problem must no longer be shrouded in the press-agentry of the tobacco industry, nor the fancy of bureaucratic footwork of government agencies charged with the responsibilities of guarding our Nation's health.''

She called for major legislation to combat what she considered a national health risk. Her program included an education program to convince children not to take up smoking, expanded research into making cigarettes safer, reform and curtailment of cigarette advertising, and warning labels on cigarette packages.

As an early advocate for a common sense approach to tobacco policy, she would persuasively lobby her smoking colleagues of the Senate, often describing in vivid detail the results of the latest medical study on the hazards of tobacco.

Maurine Neuberger decided not to run for reelection, dissuaded by the amount of money she said she would have to raise to win the seat, a lesson that even this Congress could well consider as we ask ourselves, how many other great Americans turn down the responsibility of public office because of the demands of our current campaign finance system.

After remarrying and leaving the Senate, citizen Maurine Neuberger went back to the classroom. She taught at Boston University and Radcliffe College. Then she became an opponent of the Vietnam War and supported Robert Kennedy in his 1968 presidential race.

Eventually, she moved back home to Portland, Oregon, but stayed active in public affairs, serving on presidential commissions for Presidents Johnson and Carter. Friends say she remained interested in politics and lived an active life up until 2 months before her death at age 93. Senator RON WYDEN said he talked to former Senator Neuberger after he had cross-examined tobacco executives with tough questions before a congressional panel, and she told him, ''Stay after them.''

Maureen became well known in Portland circles, not just for her political acumen and her bridge-playing, but as an avid gardener. In fact, she became so well known for her green thumb that a rose was named after her, a miniature rose called the ''Maureen Neuberger.'' The American Rose Society describes it as ''red, a reliable bloomer.''

The seeds that this reliable bloomer planted in Congress have taken many forms in the 34 years since she served here, in stronger civil rights laws, protections for consumers, and honest recognition about the dangers of smoking. I am honored to share a family connection to this remarkable woman and public servant, and I applaud the spirit that she brought to this Congress and to her life.

DECREASING OUR DEPENDENCE ON FOREIGN OIL

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

Mr. METCALF. Mr. Speaker, before 1995, the United States banned the export of oil produced on Alaska's North Slope, feeling we should supply our own national needs first. In 1995, Congress, with the full support of the current administration, voted to change the law and allow companies to export North Slope oil. At the time, I believed that lifting the ban was a bad mistake, that it would raise gasoline prices on the West Coast, and I said so on this floor. Now, with regular gasoline costing over $2 per gallon in some places on the West Coast, I have unfortunately been proven correct.

Refineries on the West Coast depend on North Slope oil for much of their production. A single company, British Petroleum, controls an overwhelming share of the oil. In a recent complaint, the Federal Trade Commission alleges that British Petroleum manipulates oil prices on the West Coast by exporting to Asia at lower prices than it could get for the same product from West Coast refineries.

When the ban on North Slope oil exports was lifted, Americans were told that the action would benefit the oil industry and the American consumer. However, they did not say how it might help the American consumer. North Slope oil exports has only benefited one company, British Petroleum, and have contributed to the tremendous fuel price increases experienced by West Coast consumers.

Mr. Speaker, I have introduced H.R. 4017, which would reinstate the ban on North Slope oil exports. I believe we should not export any oil when the U.S. must import oil for our own Nation's use. I hope that those of my colleagues who are interested in lowering fuel prices, ending discriminatory pricing, and decreasing our dependence on foreign oil will join me in cosponsoring this important legislation.

HONORING SENATOR MAURINE NEUBERGER

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

Mr. WU. Mr. Speaker, it is a pleasure for me to follow the gentlewoman from Wisconsin (Ms. BALDWIN) and to precede the gentlewoman from Oregon (Ms. HOOLEY) in honoring former Senator Maureen Neuberger, an accomplished Oregonian and a true trail blazer.

Senator Neuberger made her mark nationally when her husband, Dick Neuberger, died and she beat five opponents to fill the vacant Senate seat. However, she was already familiar to Oregonians as a State legislator, party organizer, and as a teacher.

Senator Neuberger was a trail blazer because she was not only the third woman elected to the other body, but also because she championed many of the same issues which continue to bedevil us today, like education and health care reform. She sponsored one of the first bills to mandate health warning labels on cigarettes, a measure which is commonplace today. Senator Neuberger is an inspiration to women, to Oregonians, and to all Americans.

On a more personal note, Senator Neuberger came to a function in support of me early during my campaign, and I was deeply honored that she was there. Quite frankly, I was a little bit mystified because she has such a large presence in the State, and I was such a dark horse candidate. It was just a sign of her genuine interest in public affairs in Oregon that she came that day to that event, and she came with her great friend, Bud Forrester, also a gentleman who had been very active in our community for many, many decades.

She and Mr. Forrester passed away on the same day very recently; and in passing away, these two great public servants on the same day, they are, in essence, an Oregon version of the Jefferson and Adams story where two great Americans died on the same day, the 4th of July, over 150 years ago.

Mr. Speaker, Senator Neuberger will be greatly, greatly missed by me, by Oregonians, and by all Americans; but her devotion to civil service and her strength and determination will be remembered in Oregon and around the country for years to come.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, in the 5 years I have served in the House of Representatives and thinking back on all of the public meetings I have held, I can think of few that are as poignant as the one I held yesterday concerning the reauthorization of the Violence Against Women Act.

Years ago I witnessed firsthand the mental and physical damage caused by domestic violence and sexual assault. As a patient advocate and rape counselor, I was on the front lines in emergency rooms when victims were brought into the hospitals for treatment. Unfortunately, though, for many, domestic violence was a dirty little secret with which they lived. Fear of their abusers, fear for their children and families, a lack of self-esteem, as well as fear that no one in authority could offer guaranteed safety and security, kept them from speaking out.

In 1994, Congress addressed this problem head on through the creation of the Violence Against Women Act known by the acronym VAWA. This landmark legislation was the first time the specific needs of victims of violence were directly addressed by the Federal Government. Yesterday, I brought together advocates, law enforcement officials, and those who work with victims' services, to discuss the reauthorization of the Violence Against Women Act. In addition, I asked New York State Senator Vincent Leibell, Putnam County District Attorney Kevin Wright, and Westchester County Deputy District Attorney MaryEllen Martirano to join us so the group could benefit from the exchange of ideas from their experiences as well. Also the mayor of Mount Kisco, New York, Pat Riley, was with us, so we had all levels of government.

The fight against domestic violence cannot be won alone. It is only through the cooperative effort of Federal, State and local people that we can assist victims of violence so that we can begin to end the cycle of violence. Yesterday, we began that effort.

Mr. Speaker, there is violence in one out of every four American homes. One of the most alarming things I found while working in New York's emergency rooms was that many women are sometimes unable to receive treatment. Services were not available in many areas. Today, however, thanks to the Violence Against Women Act, services have become more common; yet without reauthorization of this critical legislation, these shelters will have to shut down.

Another topic we discussed during this meeting was legislation I introduced last fall, the READY Act. This bill, entitled Reducing the Effects of Abuse and Domestic Violence on Youth, speaks to the effects on children of witnessing and experiencing domestic violence. Between 20 and 40 percent of chronically violent children have witnessed extreme parental conflict. One study has found that boys who witness their fathers batter their mothers have a 1,000 percent higher battering rate themselves than those who did not.

In order to try to address these problems and end the cycle of violence, the READY Act creates a grant program for multilevel interventions to create a more supportive, cooperative system in communities. Another gives grants for age-appropriate curriculum developed in coordination with community agencies and schools to teach children about how to deal with violence.

Through encouraging partnerships between entities like the courts, schools, physical and mental health care providers, child protective services and battered women's programs, we can build upon the existing services to develop programs to specifically address the special needs of children in domestic violence situations.

In addition, the READY Act creates a grant program for safe havens, for visitation and visitation exchange. Sadly, children are often used as pawns in these situations; and, therefore, visitation exchange is one of the most dangerous times for battered women. Supervised visitation programs would greatly enhance the safety of both the mother and the child and help ease the potentially volatile situation.

Mr. Speaker, as we look to reauthorize the Violence Against Women Act, I hope we will be able to recognize the need to expand the programs under it, to include the important measures. Some of these successes of the Violence Against Women Act include the Mount Kisco New York Police Department's implementation of a bilingual domestic violence hotline, as well as their implementation of a primary aggressor checklist for responding officers when arriving at the scene of a domestic dispute. VAWA funds have been used by the New York district attorney's office to hire seven additional staff people to address the special prosecutions division.

Thanks to VAWA grants, the Pace University Women's Justice Center has been able to institute a program training public safety workers about sexual assault and public service announcements about the full faith and credit provisions included in the VAWA Act.

Other VAWA grants have provided victims' agencies like the Northern Westchester Shelter, legal service assistance, which otherwise their clients would have to do without. Beyond formal legal assistance, the Violence Against Women Act enables trained volunteers to act as legal advocates.

□ 1645

My Sister's Place in White Plains used grants to train volunteers who will accompany women to court when

an attorney's presence is not essential. Mr. Speaker, these programs are just a sample of the good, solid programs of the Violence Against Women Act.

We stand at a crossroads. Great work is being done with VAWA money. However, without our continued commitment here in this House to these programs, all of this work will come to an end.

I include for the RECORD the statements of those who were able to join me yesterday to discuss this important issue.

The statements referred to are as follows:

RICHARD A. FLYNN POLICE HEADQUARTERS, VILLAGE/TOWN OF MOUNT KISCO, POLICE DEPARTMENT,

Westchester County, NY, March 31, 2000.

Congresswoman SUE W. KELLY,

19th District, New York, Mount Kisco, NY.

Thank you for your invitation to attend the public forum on domestic violence to be held on April 3rd, 2000 in Mount Kisco. The following information regarding the Mount Kisco Police Department's advances in addressing domestic violence issues is provided to assist you and your colleagues in your decision to reauthorize the Violence Against Women Act, and hopefully, to pass the READY Act.

BACKGROUND

Domestic violence is an extremely important subject to the administration and officers of the Mount Kisco Police Department. The Department was fortunate to receive a Domestic Violence grant in 1996. This was a direct result of the police department's aggressive posture in dealing with domestic violence issues.

ACCOMPLISHMENTS

As a result of the grant the Mount Kisco Police Department has accomplished the following:

Aggressive Domestic Violence Policy: The Mount Kisco Police Department was among the first to develop and put into place a stringent policy on domestic violence. The policy is reviewed on a regular basis in order to be current as the new laws are enacted.

The Department also generated a ''Primary Aggressor Checklist'' which assists responding officers in gathering facts and identifying and arresting a perpetrator of domestic violence. The form becomes a permanent part of the domestic violence case file and provides valuable information to officers making follow up contacts.

Coordinating the Mount Kisco Domestic Violence Coalition: This group is comprised of representatives from law enforcement, clergy, mental health, the Mount Kisco Drug and Alcohol Abuse Protection Council, the Northern Westchester Shelter, and the Northern Westchester Hospital emergency room. Meetings are held periodically to discuss needs and set goals.

Mr. Mel Berger of the Mount Kisco Drug and Alcohol Abuse Prevention Council, is an important member of our coalition. He regularly attends all local court proceedings and has the ability to request court ordered drug/alcohol abuse evaluations prior to the adjudication of defendants' charged in crimes involving domestic violence. These evaluations allow the court to make a more appropriate decision regarding such defendants.

Installation of local Domestic Violence Hotline: Located in the Department's Domestic Violence office, the hotline provides the means for victims to receive non-emergency assistance and advice. The recorded message is in both English and Spanish.

Since follow up calls are made in almost all reported domestic incidents, the domestic violence office and hotline allow officers to make such calls to victims without interruption.

Hotline Brochure: To provide public awareness of the domestic violence hotline the Department published a brochure in English and Spanish. Not only does it contain important phone listings but provides valuable information to victims.

Advanced training for bilingual police officers: In order to meet the needs of Mount Kisco's growing Hispanic population, the Department has provided advanced domestic violence training to five bilingual police officers that act as first responders when a domestic incident is reported. To ensure availability for calls one officer is assigned to each patrol squad. In addition to completing the domestic incident report and other necessary paperwork, these officers are each assigned a Polaroid camera and will photograph and record any injuries, property damage or other evidence crucial to the case.

Two Day Seminar: In November of 1997, the Department hosted a two-day domestic violence seminar which was attended by over 140 professionals who deal in domestic violence issues. This was well received and we hope to provide another such seminar in the near future.

FUTURE GOALS

Intensify Domestic Violence Training: Providing frequent and structured domestic violence training to all Mount Kisco Police officers will improve efficiency in responding to and documenting domestic violence incidents. This will ensure that all reports are properly completed and that victims are provided with the proper referrals.

Assistance with Grant Writing: In the recent past the Department has not been able to research and take advantage of available grants. This is due in large part to a decrease in staffing do to attrition. Qualified assistance and advice in the grant process is needed.

Partnerships in Teen Violence Prevention: The Department has already worked with local school administrators and other organizations, such as the Junior League of Northern Westchester. We wish to expand our proactive approach in addressing students on the issues of teen violence.

Aiding Children Affected by Violence in their Homes: In working together with our Youth Bureau and other agencies, we can address the needs of children who have been traumatized while witnessing domestic violence incidents in the home. We see this as a most important issue since many children who are raised in an abusive home atmosphere grow up to become abusers or victims themselves.

Providing Equipment to Local Hospital: The Department is seeking ways to share the cost of a valuable piece of medical equipment with the Putnam County Women's Resource Center. This device, known as a Culpascope, would be used by the emergency room attending physician or nurse, in the collection of evidence in a rape case. The cost of the Culpascope is $10,000.00.

Full Time Domestic Violence Officer: An officer assigned to domestic violence, working on a full time basis would be ideal. The officer would focus his/her attention on a structured training course for police officers, networking with local, county and state agencies on a regular basis, reviewing all domestic incident reports and maintaining contact with victims throughout any referral and/or court proceedings.

The Mount Kisco Police Department is proud of its accomplishments in combating domestic violence. It is through your support of acts such as the VAWA and READY Act that we may continue to make advances in this area.

I appreciate the opportunity to provide this information, and hope it will assist you.

Sincerely,

SGT. GLORIA M. BUCCINO.

I am Maryellen Martirano, Second Deputy District Attorney for the Westchester County District Attorney's Office and Chief of the Special Prosecutions Division. I am proud and honored to be here to represent D.A. Jeanine Pirro. I have been a prosecutor for 20 years and I have been prosecuting Domestic Violence and Child Abuse cases for 17 of those years. And I can tell you, I've seen many, many, changes throughout the years—all for the good.

D.A. Pirro has been an innovator in the field of Domestic Violence. She started the model for prosecution of domestic violence cases in 1978 and that same model is used today and helps thousands of women every year. When DA Pirro started the Domestic Violence Unit back in 1978, there was one lawyer—Jeanine—two Domestic Violence workers and one secretary. Today, we have 26 people and are about to add 2 more. We are eleven, soon to be twelve attorneys, seven DV workers; two Criminal Investigators, a Child Abuse Coordinator and several support staff. Obviously the caseload has vastly increased in the domestic violence area and we have also greatly expanded the categories we deal with in the Special Prosecutions Division. The Division has three bureaus: the Domestic Violence and Special Crimes Bureau, the Child Abuse Bureau and the Sex Crimes and Elder Abuse Bureau. In addition to domestic violence, child abuse, sex crimes and elder abuse, we handle stalking cases. We do vertical prosecution of all felony cases, i.e., we handle all felony cases from investigation through trial and we monitor the lower level crimes from their inception as well. To give you an idea of the volume we handle, there were nearly 2100 criminal charges filed in Westchester County in 1999 in the domestic violence area alone.

In addition, we investigated 850 child abuse cases in 1999 and charges were filed in more than 400 child abuse cases. In the sex crime area the investigations numbered 89 and 128 charges were filed; in the elder abuse area, 74 charges were filed and 30 investigations were conducted. Therefore, more than 3,000 cases were handled by the Special Prosecutions Division staff in 1999 alone.

I must say that much of our expansion in staff and services is a direct result of funds generated by the Violence Against Women Act. Not only have VAWA monies enabled us to add seven staff; it has also enabled us to collaborate with victim agencies and police departments to help fight domestic violence.

The first year of VAWA funding enabled us to concentrate more on police training. We conducted a comprehensive ''Train the Trainer'' domestic violence program for several Westchester police departments—those in jurisdictions with the largest volume of domestic violence cases. The SPD continues to conduct training to individual police departments on a regular basis.

We have been able to send domestic violence workers, Spanish speaking, out in to the communities with the highest volume of domestic violence cases to speak with victims and follow up cases. We have a full time case worker in Yonkers where approximately ½ of our domestic violence cases arise every year and a second aide who goes out to several other busier jurisdictions. As a result of the additional workers provided by VAWA, our other workers have been able to reach out to elder abuse and sexual assault victims and to monitor cases involving them.

As part of our effort to reach out to victims in their own communities, we have networked, with the help of VAWA monies, with My Sisters' Place and Victims Assistance Services. Victims Assistance Services has been able to open an office in the Mt. Vernon Police Department to be available for all crime victims and particularly domestic violence victims. In addition, my office has arranged with police departments throughout Westchester County to send all their Domestic Incident Reports to us. We, in turn, screen these reports and forward to VAS and MSP those DIRs where no criminal charges were filed. VAS gets those for Mt. Vernon; MSP gets those from the remaining forty-odd police departments who send them. These agencies then reach out to every victim for the purpose of offering them services. Since the inception of our grant, we have received and forwarded thousands of DIRs.

We have an Assistant District Attorney who travels out to the local courts throughout Westchester County to conduct trials of misdemeanor domestic violence and sex crimes cases.

With VAWA money, we have an additional Assistant District Attorney to handle felony sex crimes cases. As a result, we have been able to conduct some lengthy and complicated investigations such as those involving correction officers who sexually assault prison inmates.

We would not have an Elder Abuse Bureau without VAWA. We have an Assistant District Attorney and a criminal investigator who investigate and prosecute elder abuse cases and whose secondary aim is to educate professionals in the field and the community about the existence of elder abuse and what they can do about it. Another part of our elder abuse program, which is called SAVES, is networking with VAS. With the help of VAWA monies, VAS has been able to hire a community resources person to reach out to and educate the elder community about elder abuse.

Finally, VAWA money has enabled us to set up a designated D.V. Court in Westchester County. The D.V. Court is the first designated D.V. court in New York State to handle both felony and misdemeanor D.V. cases, and the cases stay in that court from inception to disposition. The court is staffed with members of the DA's office, a victim advocate, a resource coordinator and, of course, a specific judge.

You can see—by how long I've gone on—just how important VAWA money has been to the Westchester County District Attorney's Office and ultimately to the people of Westchester County.

I also would like to note that one main thrust of our VAWA programs has been to discourage withdrawal of D.V. charges and proceed with prosecution of the offender, with or without a victim. We can only do that with the help and proper training of our police departments; with judges who are aware of the dynamics and devastation of family violence; with trained, skilled interviewers to talk to and work with the victims; with trained attorneys—knowledgeable, sensitive, feisty—to convince our juries and the public that they need to be concerned about Domestic Violence.

With lowering the withdrawal rate as one of our objectives, I am happy to report that preliminarily we have succeeded. In 1998, just 1 year after the start of the grant—the rate of withdrawal was 39%, in 1999 it was 36%. To put this in perspective, the withdrawal rate between 1995 and 1997 was 51%.

I look forward to seeing the numbers for 2000 and sincerely hope that VAWA Funding continues.

PUBLIC FORUM ON DOMESTIC VIOLENCE

(Outline of Comments by Victoria L. Lutz)

I. VAWA PROGRAMS OF THE PACE WOMEN'S JUSTICE CENTER

Project D.E.T.E.R.—24/7 attorney link between the battered woman who calls 911 and the Family Court

Federal Civil Legal Assistance Practicum—externship providing legal representation to the most marginalized of domestic violence victims

Sexual Assault Training Program—CLE programs for prosecutors in rural New York

Public Education—Public service announcements about the VAWA's full faith and credit provision

Bench Manual Funding—Domestic Violence and Sexual Assault Bench Manuals will be printed this year (partnership with Westchester Department of the Probation)

Cayuga Community Response Training and CD-Rom production—Rural trainings targeted for specific disciplines and then made into interactive online programs

Gender Violence Trainings—CLE programs on domestic violence trial advocacy skills tailored for prosecutors in each borough of New York City

2. DESIRABLE CHANGES IN AND EXPANSIONS OF THESE PROGRAMS

Project D.E.T.E.R.—Should be extended to all 42 police departments in Westchester and beyond; could be adapted to provide parallel services for victims of domestic violence who are present in hospital emergency rooms

Federal Civil Legal Assistance Practicum—Should be augmented so that the externship can also provide legal assistance via a satellite office to Putnam residents

Public Education—A ''legal info'' public service announcement campaign is a necessary component of any domestic violence intervention strategy and, at this time, does not exist

3. THE READY AND STALKING ACTS: A FEW COMMENTS FROM THE CENTER'S PERSPECTIVE

Mental Health: Multi-System Interventions for Children Who Witness Domestic Violence—Special attention should be given to the need for training concerning the interface between the courts and children of divorce (e.g., about the dangers of mediation; mandatory parenting classes; joint custody; what parental alienation means and does not mean; Family Court neglect adjudications against the victim of domestic violence because the abuser was violent in the home)

Violence Against Women Prevention in Schools—All school children desperately need this type of multi-layer training. This approach should reach bus drivers and cafeteria workers as well as those listed in the bill materials. Whenever practicable, trainers should include peers, whether they be teens who help train teens or parents who help train parents. To do this, a ''train the trainer'' entre program is important. Last, but not least, domestic violence education must be available to ALL students; ironically, those most left out of the training loop may be the private schools. We have trained all boys private schools and it is scary how little they know and how much they need.

Safe Havens—Transportation exchange services (''supervision transportation'') never seems to come up but is a continual problem for clients, rich and poor. Supervised visitation funding should include, wherever possible, funding for safe exchange opportunities.

The Stalking Protection and Victim Protection Act—The email provision has been pointed out to us frequently as a desirable amendment.

I thank Congresswoman Kelly for her work on behalf of victims of domestic violence. Hundreds of our clients and our students could never have received representation or training without the assistance of those in Congress who continue to see the job of ending domestic violence as a national, rather than a merely local, priority. Much has been done, but domestic violence continues to be a national epidemic. We still need your help!

VAWA REAUTHORIZATION AND PRIORITY ISSUES

(The New York State Coalition Against Domestic Violence)

Through the Violence Against Women Act of 1994, millions of dollars have gone out to communities in New York State and across the nation, creating programs that have made a difference in the lives of millions of women. Such programs have bolstered prosecution of domestic violence and sexual assault, increased victim services, increased resources for law enforcement, and created a National Domestic Violence Hotline. With the funding for these programs scheduled to run out in October of this year, it is imperative that Congress support efforts to reauthorize VAWA programs now for a full five years by passing the VAWA reauthorization bill, H.R. 1248, early this year. This reauthorization package will continue the congressional commitment to making our streets and homes safe for women and children.

It is also essential that Congress recognize other crucial needs in combating domestic violence that are not included in the reauthorization package. The following needs must also be addressed:

Transitional Housing—Transitional housing is a key factor in meeting battered women's needs for self-sufficiency and safety. Authorizing committees should take this opportunity to incorporate into reauthorization initiatives housing beyond shelters so that survivors have a place to live while they get on their feet and put their lives back together. While a family earning the minimum wage cannot afford a two-bedroom apartment at fair market rent in any state, the shortage of affordable housing is especially serious, and well-documented, in New York (National Low Income Housing Coalition. Out of Reach: Rental Housing at What Cost?). Such a housing crisis has dire implications for abused women and their children. In a recent survey, 57% identified domestic violence as a primary cause of homelessness (U.S. Conference of Mayors, A Status Report on Hunger and Homelessness in America's Cities: 1999, December 1999, p. 94). Abused women show great courage in uprooting themselves and their children to go into a domestic violence shelter. We need to ensure that, at the end of their limited emergency stay, we provide them with options more viable and attractive than returning to the batterer.

Civil Legal Assistance—This program is currently funded through VAWA appropriations, but is not authorized by statute. The need for civil legal assistance is so acute, it should not be left vulnerable to the appropriations process. Victims of domestic violence are often inundated with legal problems, included the need for restraining orders, custody and visitation orders, reimbursement for medical bills and property damage, resolution of landlord-tenant disputes, and assistance with complicated divorce cases. Victim demand for such services far exceeds their availability. The dearth of competent, affordable legal services directly and adversely impacts the safety and well being of women and children across the nation. Civil legal assistance should be a permanent component of the statute and receive substantially higher levels of funding.

Battered Immigrant Women's Legislation—Language that is targeted towards addressing the unique needs of battered immigrant women and eliminating obstacles to gaining assistance is needed to ensure that battered immigrant women and children are not forced to remain with abusive partners. Despite the successes of the immigration provisions of VAWA 1994, subsequent immigration reform bills drastically reduced access to VAWA immigration relief for battered immigrants. H.R. 8083 seeks to restore and expand access to a variety of legal protections for battered immigrants so they may flee violent homes, obtain court protection, cooperate in the criminal prosecution of their abusers, and take control of their lives without the fear of deportation.

Definition of Domestic Violence—The federal definition of domestic violence needs to be corrected to include dating violence. Not all abused women marry their abusive partners or have children in common with them. Too many victims of domestic violence are denied equal protection of the law because the law fails to recognize the full spectrum of domestic violence victims. Non-married, non-parent victims of domestic violence need equal protection under the law.

Full Faith and Credit—While the goal of the federal statute and the conforming statute New York passed in 1998 is straightforward, implementation has been problematic. Many jurisdictions have done nothing to implement full faith and credit. In varying degrees in different jurisdictions, police officers, court personnel, and judges often refuse to enforce the orders of other state and tribal courts. The problems in Indian Nations are especially difficult since most of the violations on Indians lands are by non-native batterers. Battered women travel for all the ordinary reasons people travel, and they often cross state and tribal jurisdictional lines in flight for their safety. Battered women need the protection the full faith and credit statute was supposed to provide, and further clarification and funding for training and implementation is needed to support that goal.

Children and Domestic Violence—There are many levels at which the NYSCADV is concerned about children and domestic violence. Prevention and education aimed at children are essential components to any response to domestic violence. Programs for teen and college aged victims of domestic violence and sexual assault are also grossly under-funded. The need for supervised visitation centers far exceeds the number of available programs, resulting in courts ordering unsupervised visitation and endangering women and children. Services for children exhibiting symptoms of the stress of violence in the home need appropriate services. A Sense of Congress regarding the inappropriateness and danger of forcing shared custody over the objection of one or both parents or making friendly parent provisions a factor in determining custody would be very helpful in addressing the abuse many batterers continue to afflict through custody and visitation litigation. Despite the perception that mothers always win custody cases, studies show that fathers who contest custody win sole or joint custody in 40 to 70 percent of cases (Report of the Gender Bias Study of the Supreme Judicial Court of Massachusetts, 1989, Abrams and Greaney).

We are currently supporting an initiative in New York that would mandate domestic violence training for child protection workers and would support a complementary federal initiative. While the NYSCADV has not taken a formal position on the READY Act, we are grateful for the leadership of Representative Kelly in this effort to address these important issues. Our concern over any initiative addressing children and domestic violence results from the devastating and dangerous trends evolving in current responses to domestic violence by child protection systems. Abused women are being charged with neglect based on the actions of the perpetrator. They are having their children taken from them and placed in foster care. They are being forced to take actions over which they have no control, such as obtaining an order of protection or being accepted into shelter, and the outcomes of their cases often hinge on such actions. Domestic violence is not and should not be per se neglect. The child protection actions described above are having an, understandably, chilling effect on abused women's willingness to seek assistance—to call the police, go to Family Court, seek services—in short, reversing decades of work encouraging women to break their silence and seek assistance. The short-term knee-jerk responses by child protection we are witnessing are counterproductive to crafting meaningful long-term responses that take the needs of the non-offending, primary caretaker parent into account. And that is hardly in the best interests of the children. Any legislation passed on behalf of children must take these serious circumstances into account. In our zeal to protect and assist children, we mustn't handicap their long-term chances of safety and security by revictimizing their abused mothers.

VAWA FUNDED PROJECTS IN NEW YORK STATE

VAWA funded projects have had an enormous impact on abused women and their children in New York. Since there is no one agency in New York that keeps track of all the VAWA funds in New York, it is difficult to assess the amount of those funds. The New York State Department of Health, for example, has VAWA contracts for sexual initiatives that are not reflected in the figures below. Additionally, many projects are funded directly through federal agencies. However, the following are rough estimates of VAWA funds, provided to us by the New York State Division of Criminal Justice Services.

Projects/Programs	Year	Amount
S.T.O.P	1997	$7,257,050
	1998	7,426,150
	1999	7,537,300
Discretionary Office of Justice Programs	1998	2,180,904
Department of Justice	1998	429,900
Grants to Encourage Arrest (directly to projects)	1998	3,980,000
Civil Legal Projects	1998	3,930,000

The NYSCADV also has several VAWA funded projects:

We are in the fourth year of funding of our S.T.O.P project, which is a comprehensive training series of domestic violence program staff across the state. These trainings has been very well received and covered topics ranging from basic domestic violence issues to more complex challenges in service provision, such as reaching underserved populations and welfare and immigration issues. In addition to ongoing technical assistance, we provide six one-day trainings and four two-day trainings each year. This is one of our most successful and sought after projects.

We are entering the second cycle of a Department of Justice, Rural Domestic Violence and Child Victimization Enforcement Grant project. We are working with ten rural counties to help them improve their coordinated community response to domestic violence by working with them to promote participation in county task forces, identify strengths and weaknesses in their individual and coordinated agency responses and develop written protocol to guide future responses. We also hosted two Full Faith and Credit conferences for New York/Connecticut/Vermont/Massachusetts border counties and Indian Nations under this initiative to promote better understanding, cooperation and enforcement around this important federal and state law.

We are also working under an Office of Justice Programs, Grants to Encourage Arrest Policies initiative, in which our part is to develop and implement a statewide conference for child protection, law enforcement and domestic violence systems to promote a coordinated community response between the above systems on behalf of abused mothers and their children. A workgroup will be formed to identify conference outcomes and address them in furtherance of the above goal. Under this initiative we are also working with the NYS Office for the Prevention of Domestic Violence and the NYS Division of Probation and Correctional Alternatives on a work team to provide training and technical assistance for probation personnel and to help develop protocol. To date domestic violence liaisons in probation departments have been identified and trained in 99% of the counties in New York.

VAWA is a great success story—it is a success story of federal commitment to ending violence against women, of state and local partnerships, of innovative collaborative initiatives and of a public waking up to the everyday reality of violence in the home. But there is much work to be done. Violence against women has not ended and the great work that VAWA launched must be continued to further that goal.

We urge Congressional support on these issues and anticipate continued efforts on behalf of anti-domestic violence legislation. Across the country, advocates for battered women and battered women themselves are asking Congress to continue its dedication to ending violence in the homes of our nation's women. We urge that a VAWA reauthorization bill be passed early this year and that the other pressing needs mentioned above be addressed.

NYSCADV NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES FUNDING SURVEY 2000 RESULTS

The New York State Coalition Against Domestic Violence conducted a survey of all non-residential domestic service providers across the state to determine their need for additional funding and resources. The following charts depict the current inadequacy of resources and the necessity of increased funding to support the provision of core services.

County Contracts: 62.5% of programs have county non-residential contracts with DSS/HRA that are less than $50,000.

Insufficient Contract Funds: 85.1% of programs report that their county contracts are not sufficient to cover core services.

Additionally, 42.6% of programs report that they do not have sufficient staff to provide their core services.

High Staff Turnover: Programs are reporting high turnover for many core staff positions.

Low Pay and Staff Turnover: 61.5% of programs report that staff are leaving for better paying positions.

DOMESTIC VIOLENCE PUBLIC FORUM ORGANIZED BY CONGRESSWOMAN SUE KELLY—APRIL 3, 2000

(Presentation by CarlLa Horton, MPA, Executive Director of the Northern Westchester Shelter)

INTRODUCTION

Good morning. I'm CarlLa Horton, and it is my privilege to serve as the executive director of the Northern Westchester Shelter, a

non-profit, community based organization that serves victims of domestic violence. In addition to our shelter services, we provide community education programs and offer an array of services to child, teen and adult survivors of domestic violence. This includes legal services, counseling, support groups, education and self-efficiency initiatives. The latest addition to our roster of programs is Student Terminating Abusive Relationships, a school-based outreach and peer leadership program. This Friday, we will help co-sponsor with the Junior League of Northern Westchester the second annual conference in the county on teen dating abuse.

COMMENTS ON VIOLENCE AGAINST WOMEN ACT AND ITS REAUTHORIZATION

The Northern Westchester Shelter is extremely grateful to Congress and the taxpayers for their support of the Violence Against Women Act and strongly recommends that it be reauthorized and strengthened.

I remember when I first came to the Northern Westchester Shelter, three years ago today, and began a needs assessment. I spoke with survivors, our state coalition's executive director, other advocates and my board and staff. It was clear to all of us that next to an adequate number of shelter beds that legal services was the greatest unmet need in our county for battered women and their children.

Armed with that information, we applied for a VAWA grant and we were awarded $80,000 for what became the first year of a legal services program. In the second year, that support dropped to $60,000 and in this, the third year, the support plummeted to $45,000.

During the first two years, we provided legal advice to 229 victims, 156 of whom were selected for ongoing legal representation as allowed by VAWA. Of these, 136 secured temporary orders of protection—94 in Family Court and 42 in Criminal Court. Over time, 74 permanent orders of protection were secured—53 in Family Court and 21 in Criminal Court. Of the 42 women who selected Criminal Court as their avenue to safety and accountability, only two have dropped the charges against their abusers.

And that's just the work as allowed and funded by VAWA. As or more importantly, the program funded by VAWA served as a gateway to the other programs offered by my agency. Women may have come through the door seeking help with legal issues, but they and their children stayed for counseling, support groups, educational services and the like. Indeed, we experienced a 100% increase in the number of survivors coming to us for non-residential services in the first year that we had VAWA funding.

We have struggled to maintain our level of service in spite of the decreasing funding levels. But, decreased funding is not the only problem. The current legislation prohibits us from helping battered women secure divorces. In our first year, we had to tell 52 women seeking divorces that our lawyers (funded by VAWA) could not help them. This is ludicrous. The common refrain from those not in the know is that battered women ''should just leave.'' Yet, VAWA does not allow severing the legal ties that bind women to husbands who are desperate to maintain power and control.

Not only must VAWA funding be continued. It should be enhanced and the prohibition against divorce should be lifted.

COMMENTS ON THE READY ACT

The Northern Westchester Shelter would like to thank Congresswoman Kelly and her cosponsors for their leadership in advancing protections for abused women and children through the READY Act. I cannot say enough about the torture inflicted on children who watch in horror as their fathers slap, kick, punch and stomp on their wives in front of the children.

Think for a moment about torture of political prisoners. If the abuse gets too intense, the prisoner can die or pass out. That's why abusers in those situations stop torturing the primary victim and torture someone that person cares about but can't do anything to protect. That's what happens to children who witness violence. Their bodies cannot ''pass out'' from the abuse they witness, but their minds suffer terribly about their inability to do anything to stop the violence or to protect their mother.

But consider the many children who do try to stop the violence. Think of a young boy—7, 8 maybe 9 years old—throwing himself between his father's fists and his mother's face. These young children make a valiant but almost hopeless effort to protect their mother. Consider one study of young men (boys, really) in jail for murder. In this study, 63% of them were there for killing the man who was abusing their mother. This is a travesty.

This is what we particularly like about the READY Act:

The READY Act would create multi-level interventions that promote collaboration and safety planning among domestic violence providers, the police, courts, child protective services, schools and other community based and mental health organizations.

The READY Act would provide women who flee from domestic violence across state lines with a defense. We have a former client who was in our shelter almost eight years ago who fled to a New England state. She was finally tracked down by her child's father and is now embroiled in a legal battle to defend her actions—actions taken to save her life and that of her child.

The READY Act would mandate domestic violence factors have precedence in custody proceedings. Currently, states are to base child custody on the ''best interests of the child'' and with considerations for domestic violence as a ''factor.'' We wholeheartedly support the language that domestic violence factors have ''precedence'' as we have seen time and again the ''factor'' being ignored, particularly for wealthy, powerful and/or well-connected men.

We applaud the READY Act's emphasis on ''predominant aggressor.'' Factors such as the history of abuse, the relative severity of injuries, the likelihood of future injury are particularly needed. I was also heartened to see the language that talked about ''the degree to which one of the persons has acted with more deliberate intent to control, isolate, intimidate, emotionally demean or cause severe pain or injury, or fear of harm to the other or a third person.'' We had similar concerns in this state after mandatory arrest was initiated and this resulted in ''primary aggressor'' legislation.

We applaud the strategy to address violence against women by funding school-based prevention programs. Last May, we cosponsored with the Junior League of Northern Westchester a teen dating abuse conference, 260 tenth graders came together and talked about their experiences. Over and over, we heard chilling stories about what's going on in the schools, and in the cars and in the homes of these young people. Meanwhile, many school administrators continue to claim that their school doesn't have this problem. Yes, they do, and we must develop strategies to help these young people (and those that serve them) understand how to identify abuse and how to access services when needed.

IN CLOSING

Innocent, bewildered and traumatized children have become pawns in the abusers' last, desperate struggles to maintain power and control. This must stop. If we have learned anything in our movement, it is that safe moms make for safe kids. Thank you for your efforts to make the victims safe and the abusers accountable.

STATEMENT ON BEHALF OF MY SISTERS' PLACE

Good morning Congresswoman Kelley and distinguished members of the panel. I am Amy Paul. With me is Lisi Lord. We are Assistant Executive Directors of My Sisters' Place, an agency dedicated to ending domestic violence and assisting victims of domestic violence since 1978. My Sisters' Place provides comprehensive services throughout Westchester to people living with abusive partners. Our many services include 2 emergency shelters, a 24 hour toll free hotline for information and assistance, individual counseling and advocacy, 20 support groups located in community sites in 10 different Westchester towns, a Legal Centers with three attorneys providing free legal advice and representation, court accompaniment, a Life Skills program to help women renew the skills they need to live independently, and a children's program, called Robbie's Room, both at our shelters and in the community. Our services are provided in English and Spanish. We have counselors available who also speak Hebrew, Japanese, French, Portuguese, Arabic and who sign for the hearing impaired community. We also have an extensive community education program which includes a school-based domestic violence education and prevention curriculum which reaches over 4000 Westchester students each year, a health care provider education program, professional and lay trainings, and a community speakers bureau program.

My Sisters' Place is pleased to have the opportunity today to comment on H.R. 3315, the Ready Act, and H.R. 1248, the violence Against Women Act, and to lend our support for both bills. We commend Congresswoman Kelly for calling these hearings and for directing the public's attention to an issue which has, for too long, gone unaddressed. As we are all aware, domestic violence is a most insidious and pervasive social problem, one which affects not only the targeted victim, but the children who witness the abuse, and the community at large. Whereas home is considered to be the sanctuary of peace from the outside world, for too many women, it is the most dangerous and uncomfortable place of all. It is estimated that over 50,000 women in Westchester are living with an abusive partner. Our own experience bears out the enormity of the problem as last year alone, we assisted over 3000 women, provided shelter to over 150 people, but had to turn away over 500 women, not counting, their children, because we were full. A victim of domestic violence is faced with challenges and worries of safety for herself and her children every day. Leaving the relationship would seem from the outside to be an easy solution but, in fact, 'leaving' poses a most dangerous threat to her immediate safety. Moreover, despite the services available through agencies like ours, 'leaving' is made exceedingly difficult by the lack of overall, ongoing community support to help her and her children make the transition to safety and security after 'leaving.' And, 'leaving' requires that the victim tell someone about her plight, about something which still today is a social taboo and is shameful to talk about. For married victims, 'leaving' also means getting and paying for legal advice in dissolving the marriage and arranging for child custody, as well as in obtaining an order of protection. Most victims do not have the money to retain legal counsel and, if they do initially, our experience is that the legal fees

eat up any savings they have accumulated otherwise needed to start a new life.

With the initial enactment of the Violence Against Women Act, our government took an important, pioneering stand against domestic violence and provided much needed funds to support efforts to help women facing life with an abusive partner. My sisters' Place was the beneficiary of this funding under the STOP Violence Against Women program through which we developed a lay legal advocate program. This program enables trained volunteers to accompany women to court, when an attorney's presence is not essential, such as when filing papers, and the like. Our advocates provide emotional support and court experience to make an otherwise daunting and scary trip to the court house less frightening and more successful. Over 50 women have worked with our advocates to date. On this coming Wednesday, our program will be recognized for an award by The Fund for Modern Courts for the important contribution we have made. Without the VAWA funding, we could not have developed this program.

Re-authorization of VAWA is critical to organizations like ours which are working on the front line every day with women in crisis and afraid for their lives. It is well known that the VAWA program has provided financial support for a wide array of services nationwide. For this reason, re-authorization of VAWA should be passed as soon as possible, hopefully in this Spring. To wait any longer than that places in jeopardy all of the worthy programs which may expire over the summer and may not be able to bridge the funding gap if VAWA reauthorization is delayed into the Fall.

We also lend our support to The Ready Act and thank Congresswoman Kelly for crafting a bill which addresses domestic violence prevention as well as some of the difficult, attendant issues a victim and her children face. In particular, we appreciate the bill's funding for supervised visitation centers in recognition that men who abuse their partners often also abuse the children living with them. We have supported the Junior League in Westchester in developing a supervised visitation program here in the county and support the Ready Act in providing funding for such programs nationwide. We support the Act's provisions which permit a defense to a kidnapping charge for a woman who flees the state to escape domestic violence. And, we have long supported the notion that a history of domestic violence should be made a part of the court's consideration when determining a child custody matter.

We also support the Ready Act funding for services for children, in recognition that witnessing abuse performed by the perpetrator takes a long term toll on the health of the children. In this regard, we believe that the perpetrator must be held accountable for these actions if we are to see a change in the incidence of domestic violence both in individual cases and on a societal scale. We must find ways to articulate a national policy statement that domestic violence is unacceptable and that we are seriously committed to holding perpetrators accountable for their actions and the consequences of their actions.

We also believe, and it is our mission, that we must educate and expand awareness of the issues underlying domestic violence-education is the key to reducing the incidence of domestic violence and protecting our children. As we mentioned earlier, My Sisters' Place has developed a program of educational materials for students in Westchester schools which we have been presenting since 1990. Our successes in that program encourage us to believe that such programs are essential and that funding for such programs nationwide, as set forth in the Ready Act, should be available.

In closing, we wish to reiterate the importance and urgency in reauthorizing VAWA this Spring and in using the re-authorization as a means to communicating the seriousness with which we, as a nation, are committed to helping victims and holding batterers accountable. There is much to do to properly address this devastating social problem which impacts on the civil order and social fabric affecting all of us. The VAWA Act and the Ready Act are, together, important building blocks toward creating a safer, more secure world for our families.

Thank you, again, for the opportunity to present our views.

[From the New York Times, Apr. 2, 2000]

ADVICE TO TEENAGERS ON DATE ABUSE

(By Donna Greene)

There is growing awareness that prevention is the best way to fight domestic violence, and that teenagers, in particular, need preventive services, said Lisi Lord, an assistant executive director of My Sisters' Place, a White Plains-based agency that runs programs to help battered women.

As part of her duties, Ms. Lord supervises a program that goes to Westchester middle schools and high schools to talk to students about domestic violence, stalking and date abuse.

While many teenagers feel it could never happen to them, almost all say they know someone who has been a victim of domestic abuse, Ms. Lord said. And even parents who suspect that their teenager is having difficulties do not often know how to help, she said.

Ms. Lord, who will move to North Salem next month, has a master's degree in counseling and previously worked as a psychotherapist with agencies in Yonkers. Here are excerpts from a recent conversation:

Q. How early do children need to learn about domestic violence and stalking?

A. Getting to these kids before they have formed their attitudes about what it means to date and what it means to be a boy or girl is important. A big part of what we talk about is gender role and expectations. Girls don't have to look for someone big and strong and tough who will take care of them because that's potentially a setup for them.

A lot of what we see on the junior high school and high school level are kids who are already being abused by their boyfriends. So we like to do some real education about what it means to be part of a healthy relationship. We talk about what domestic violence is, what the early warning signs are, what healthy relationships are, how you can help a friend if you know someone who is living with this problem. We talk about child abuse issues as well, and what to do if your mom is being abused.

And at the end of our program, the kids are asked to fill out an evaluation and asked if they would like someone from My Sisters' Place to contact them. As many as 3 to 5 percent check that box. So we go and meet with them individually.

Q. Who are the teenagers who are asking for further help?

A. The kids generally fall into about three or four categories: kids who are growing up with abuse, kids who just need to tell us about one bad thing that happened to them 10 years ago but that they never told anyone about, kids who are being abused by their boyfriends and kids who have friends who are being abused by their boyfriends and they're afraid for them and they want to know what to do to help them.

Q. Why do you think parents are so unaware of what is going on in their child's life?

A. Sometimes abuse is really dangerous and obvious. But an awful lot of it is not so obvious. Perhaps there is a boyfriend who seems like he is just very attentive and caring and checking on her to see that she's O.K. It's not going to be that evident to the parent that this is actually a control * * * your 16- or 17-year-old comes home with unexplained bruises, the parents may very well have a clue what's going on, but still have no clue what to do about it and how to help. Another early warning sign is if the boyfriend is much older than the girl. That's a trend we're very concerned about.

Q. You said that counselors talk to teenage groups about how to recognize signs of potentially dangerous relationships. Describe what these counselors say.

A. First of all, we want to debunk the idea that it can't happen to them. A lot of teenagers—both boys and girls—feel that when they hear of someone who is beaten up, ''Well I'd never let anyone treat me like that.'' We have to say: ''No, that's not how it happens. It happens so subtly you're not going to see it coming.'' We talk a lot about jealousy and possessiveness. That when someone is jealous of you talking to your friends or other boys, this isn't a sign of love, this is possessiveness. And jealousy is often an early warning sign. If he gives you a beeper on the second date—and this happens to girls regularly—then he is someone who wants to know your whereabouts. That's the kind of behavior that could later become stalking.

Q. What is the reaction of the teenage boys in your audiences?

A. Often good. Sometimes we have the most difficulty with the girls. Sometimes the girls are the ones who are most judgmental about other girls. ''Well, there's something wrong with her,'' they'll say. ''That would never happen to me.'' That's a defensive reaction. They want to believe they could never be in that situation.

Q. Do any of the boys admit to recognizing in themselves some of the signs of abusive behavior?

A. Very often they will disagree with us on some of the early warning signs. They say, ''I am not an abuser and will never hit a girl,'' but also: ''No girlfriend of mine can talk to another guy. That's disrespectful.'' So they hold some of the attitudes but they don't see them as abusive or controlling.

Q. What should parents do if they are concerned about their daughter's boyfriend?

A. The most important thing is to keep the communication open with your teen. If you put down your foot, and say, ''Stop seeing that boy,'' you're going to lose that line of communication. I see this all the time. If she feels she's being listened to, she'll be much quicker to come to her own conclusion that what is going on is not O.K. but if it becomes: ''I love him and they don't get that I love him,'' then she is going to get more secretive.

At the same time this doesn't mean parents shouldn't address these issues with their daughters. Raise the issues. ''I've noticed you're very nervous about whether you're home when he calls and expects you to be home. What's going on?''

Also many kids have a lot of time on their hands in the afternoon and the truth is that many parents think that their children, when they become 14, 15, 16, need less supervision. But they need to know that there is someone there keeping an eye on things, not in a harsh way but just in a sense of safety that they're not just out there on their own. I think boys need this too. Obviously the girls are the ones who tend to pay the price in terms of getting pregnant or getting beaten.

Q. It is said about domestic violence that these kinds of attitudes cross all socioeconomic boundaries. Is that the same at the teenage level?

A. Absolutely. I find the audiences will be more outspoken in certain groups than in others but they're saying the same thing. The only difference is that if you're growing up in a society where violence is something you're seeing in the streets and you're seeing it at home and you're seeing it at school and you don't feel safe anywhere, safety planning takes a whole new meaning. It's pretty meaningless to talk to a 16-year-old girl who has grown up with violence and sees it when she walks down the street, ''You need to leave your boyfriend and get safe.'' Where is she going to get safe? There has to be a more communitywide response. We need to work very hard to help her find someone in her life who is safe.

TRIBUTE TO FORMER SENATOR MAURINE NEUBERGER

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, along with my colleagues, I, too, want to recognize Maurine Neuberger. The State of Oregon has lost a great friend recently when former Senator Maurine Neuberger lost her battle with cancer at age 94. We lost a true pioneer when Maurine passed away. She was an advocate, a leader, and a great woman.

Mr. Speaker, I was very fortunate to know this woman. She was an inspiration to me. There are so many wonderful stories about her, but I would just like to mention a couple.

Her mother was a dairy farmer, yet she took on the dairy farmers, and she said, when they outlawed making margarine yellow, so you have this white lard piece, one day on the floor of the House she demonstrated to all of her male colleagues how to make it yellow with food coloring in it, and stirred it around. She took on the dairy farmers again, though her mother was a dairy farmer, and she won that battle.

She also made a real splash in the papers when her husband was serving in the U.S. Senate. The Democrats were doing a fundraiser. They asked the Democratic wives if they would come and model clothes from their home State. Maurine, who was in very good state, modeled a swimsuit from Jansen's swim wear. There were photographs of her all over the United States. When asked the question why she chose to wear that, she said, that is what I wear when I go swimming.

She was a wonderful woman, and there are wonderful stories about this woman, but none more than what she accomplished during her one and only term in the U.S. Senate.

After her husband, U.S. Senator Richard Neuberger's, sudden death in 1959, Maurine Neuberger ran for and won her late husband's seat in the U.S. Senate. She became only the second woman in the entire country to be elected to the U.S. Senate, and the only woman from Oregon who has ever served in the U.S. Senate.

During her tenure in the United States Senate, she became famous for her fighting spirit and tireless crusade on behalf of consumer rights. She was always looking out for the consumer, for public health, campaign finance reform, some of these still sound familiar, civil rights, and environmental conservation. She also played a critical role in President Johnson's war on poverty.

She became known as a principled consensus-builder with the political will to tackle the country's most pressing problems. After cancer took her husband's life, Maurine Neuberger led the fight in the Senate to put warning labels on all the cigarette packages, so when we read those today, that the Surgeon General has determined smoking may be hazardous to our health, she wrote that and made that happen.

At the time of her fight against the tobacco companies in the early sixties, her efforts were considered bold and radical first steps in educating the public on the dangers of smoking.

Senator Maurine Neuberger epitomized what public service is all about. We are going to miss her in this State. Again, she was a role model for the Nation. If all of us would just follow in her footsteps, we would have a better Nation.

THE HIGH COST OF HEALTH INSURANCE AND PRESCRIPTION DRUGS

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

Mr. GUTKNECHT. Mr. Speaker, earlier today I had a group of small business people in my office. One of the concerns that they talked about was the high cost of health insurance. Recently, I have had several meetings with senior citizens. One of the things they talk about is the high cost of prescription drugs. The two issues are related, whether we realize it or not.

Over the last 4 years, for example, the cost of prescription drugs in the United States has gone up by 56 percent. In fact, in the last year alone, the cost of prescription drugs here in the United States has gone up by 16 percent. One of the reasons that health insurance costs are going up so much in the last year or two here in the United States is the cost of prescription drugs.

While we are talking about what we can do to make prescription drugs more available to seniors through Medicare, it seems to me we also have to be looking at why is it that prescription drugs are so expensive in the United States.

I have been doing some research. I have gotten a lot of help from my friends, some friends at the University of Minnesota, the Minnesota Senior Foundation. We have heard a lot about these bus trips that are going up into Canada to buy drugs. The more I have studied it, the more I realize that we in the United States are paying far too much for prescription drugs.

I believe in a reasonable profit. I do not believe in additional government regulation. But I also do not believe that we should be taken for fools by the large prescription drug companies.

Let me give some examples. One of the most commonly prescribed drugs in the United States is a drug called Prilosec. Prilosec is given to people who have ulcer conditions and some other acid reflux conditions and so forth. A 30-day supply of Prilosec in Minneapolis, Minnesota, sells for $99.50. That same drug made in exactly the same plant with the same FDA approval in Winnipeg, Manitoba, sells for $50.88. That is a tremendous bargain. Interestingly enough, that same drug in Guadalajara, Mexico, made in exactly the same plant under exactly the same FDA approval, sells for $17.50.

Mr. Speaker, it really is time for Congress to do what we thought we did with the North American Free Trade Agreement. That is to open up our borders. My vision is that American consumers, and particularly seniors, could go to their local pharmacy with their local pharmacist who could set up a correspondent relationship with a pharmaceutical supply house in either Canada or Mexico, and ultimately we would force the drug companies to allow Americans to enjoy world market prices for prescription drugs.

Let me give some more examples of commonly-prescribed drugs. I might say to Members, this is available. Just call my office. This is a newsletter that was put out by an independent group called the Life Extension Foundation, the title of which is, ''Are We to Become Serfs of the Drug Monopoly?''

They talk about what is happening here in the United States compared to the rest of the world in terms of the prices we pay for prescription drugs. For example, a commonly-prescribed drug, Synthroid, in the United States, a 30-day supply sells for an average of $13.84. That same prescription for exactly the same drug made in exactly the same plant in Europe sells for $2.95.

Coumadin, which is a drug my dad has to take, it is a blood thinner. In the United States, coumadin, the average price for a 30-day supply is $30.25. In Europe, that same drug made by the same company in the same plant with the same FDA approval sells for $2.85.

Mr. Speaker, it is time for the Congress to take action. The first thing I would recommend Members to do is call my office and we will send them out a copy of this newsletter. They can find out for themselves the difference we see in prescription drugs.

Secondly, I would ask Members to sign on to my bill, H.R. 3240, which simply allows for the importation of drugs into the United States without FDA intervention, drugs that are currently approved by the FDA.

Mr. Speaker, do not take my word for it. Actually, the Canadian government

has done some of the research for us. The latest research, and I have a copy of it, from the Canadian government, confirms that drug prices in Canada on average are 56 percent less than they are in the United States.

The Federal government last year spent $15 billion on prescription drugs. If we could realize just some of the savings by opening up our markets to competition and bringing our prices into line with world prices, we could have more than enough money to open up the benefit to people who are currently not covered for prescription drugs on Medicare. If we could save 30 percent, 30 percent of $15 billion, Mr. Speaker, is $4.5 billion. That would go a long way to making certain that every American had access to affordable prescription drugs.

The time has come to take action. I encourage my colleagues to join me in support of H.R. 3240.

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

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

THE MILITARY FAMILY FOOD STAMP ACT

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

Mr. JONES of North Carolina. Mr. Speaker, back in March I introduced H.R. 1055. The title is, the Military Family Food Stamp Act. I sent last week a Dear Colleague to my colleagues in the Congress, both Republican and Democrat, asking them to join me in this effort. As of today, we have 91 cosponsors from both sides of the political aisle.

Mr. Speaker, I bring this photograph of this Marine, who is getting ready to deploy for Bosnia, because he represents 60 percent of the families in the United States Armed Forces who are married. He has standing on his feet his daughter Megan, and also in his arms he has his daughter Bridget.

According to a 1995 Pentagon study, we have an estimated 12,000 military families on food stamps. Mr. Speaker, I personally feel that one family on food stamps is one too many. It is unacceptable.

Last week I received a letter from the Fleet Reserve Association endorsing this bill. I would like to read parts to the Members. It is written and signed by the National Executive Secretary, Charles Calkins.

He wrote, and I quote, ''The Fleet Reserve Association strongly supports your bill, H.R. 1055, the Military Family Food Stamp Tax Credit Act. The legislation would amend the Internal Revenue Code to allow a $500 refundable tax credit to certain low-income members of the Uniformed Forces.

''The unfortunate fact that junior enlisted members must rely on food stamps reflects the inadequacy of military compensation. Although there was progress toward closing this significant pay gap between military and civilian pay levels last year, more must be done, and this legislation helps address this reality.''

I further quote Charles Calkins. He says, ''Petty officers and noncommissioned officers are the backbone of the military services. They deserve fair compensation.''

Mr. Speaker, I also want to read from the transcript of the television program 20/20, from June 25 of 1999. The show addresses the subject of our military families on food stamps, and the title of the show was ''Front Lines, Food Lines.'' The reporter was Tom Jarriel.

Tom Jarriel talked to a number of military families during this interview who are struggling to make ends meet. I want to share with the Congress part of the transcript from this show.

I first start by quoting Tom Jarriel: ''Captain Elliott Bloxom presents the Pentagon's point of view that while some families are struggling, they are the exception and not the rule.''

I further quote Tom Jarriel: ''We're talking to people who cannot buy an ice cream for their kids when the truck passes outside their home.

Elliott Bloxom says, and I quote him, ''These junior people, we feel their entry wage levels are adequate. They are very competitive with the private sector. We find that there are other complicating factors—oftentimes a larger-than-average size family—which places an additional burden on that service member to manage their finances accordingly.''

Now I go back to Tom Jarriel. Tom Jarriel says, ''Still, the Pentagon has pushed for an overall 4.8 percent pay raise, up to 10 percent for selected troops—a measure now being considered by Congress. And this would be the largest military pay raise in almost 20 years.''

Now back to Elliott Bloxom: ''We believe that that amount of money, in addition to other services that we provide, should go a long way towards solving the economic problems of some of our most junior people.''

Tom Jarriel: ''Not so says Congressman DUNCAN HUNTER,'' one of our colleagues on the floor of the House. ''DUNCAN HUNTER says, 'I think our military people have been betrayed. The pay raise will be 4.8 percent. The services are 13.5 percent below the private sector. We need at least another 8 percent pay increase to close that pay gap.'''

Tom Jarriel: ''As an 18-year member of the House Armed Services Committee, HUNTER's district includes many of those on the food lines in California.''

''DUNCAN HUNTER,'' and I quote the gentleman from California (Mr. HUNTER) again, Mr. Speaker, he says, ''These are our best citizens. If we don't take care of our finest citizens, some day we're going to ring the bell for war and the folks aren't going to show up.''

Mr. Speaker, I mention that as I close to say that we in America are extremely lucky to have the men and women in uniform who are willing to die for this country. I want to encourage the leadership, both Republican and Democrat, and my colleagues on both sides of the aisle, to join me in this effort to say to those in uniform who are on food stamps, we care about you and we are trying to help you.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PRAISING THE FLORIDA GATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. Thurman) is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, I am really here tonight to say how proud I am of the Florida Gators who played, I believe, their hearts out last night in the final game of the NCAA basketball tournament.

While the University of Florida lost 89 to 76 after a hard fight, they proved to everyone what they are capable of accomplishing. After all, seven members of the young team's ten man rotation are freshmen and sophomores, and their starting line-up blows from the energy of three sophomores and one freshman.

Despite this relative lack of experience, the Gators finished their most successful season in the school's history at 29 wins and only 9 losses.''

□ 1700

Hopefully, all of these fine young men will be back to lead the Gators to victory next season but for now last night's game showed how far the Florida basketball program has come in recent years. The Gators made their first Final Four appearance in 1994, and last night marked the school's first title game appearance ever. No loss can possibly take away from that great accomplishment. This team has spirit and get up and go, and I know they will use this experience to gain even more ground in the future.

Following the game, Florida coach Billy Donovan summed up his team's

loss against Michigan State veteran senior players like this, he said, ''You have every reason to be proud of yourselves. You lost to a better team. Let this be a tremendous motivating experience for you.''

I would like to encourage all Gator fans to attend the celebration at 7:00 p.m. Thursday night at the O'Connell Center at the University of Florida campus in Gainesville to pay tribute to this fine team. They deserve all the cheers and hurrahs they can get for their remarkable record-setting season, and we in Florida always look forward to saying there will be a next year. Go Gators.

BALANCING THE FEDERAL BUDGET AND PAYING DOWN THE FEDERAL DEBT

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, I ask everybody to sort of hold on to their hats and prepare for a presentation that could be a little boring but very important to everybody's future, to the future of our kids, to the future of our retirees that have already turned past 62 or 65 and maybe gone on Social Security, because what we do in this budget is going to make the decision whether or not future generations have to pay huge amounts of tax to pay for our overspending in this generation, and it is also going to determine whether existing seniors might have their Social Security and Medicare coverage reduced because of the unwillingness of the President and this Congress to face up to some tough decisions on keeping these programs solvent.

Let me start out with what is happening to our Federal budget. Our Federal budget this year is $1.8 trillion. The debt that we have accumulated so far that we are passing on to our kids now amounts to $5.7 trillion. That compares to $1.8 trillion total annual spending.

Who is going to pay back this debt? It looks like every man, woman, and child in the United States owes now approximately $20,000 to accommodate the debt that has been run up in this country.

Congress has a tendency, a propensity, to spend because usually it is to the political advantage of Members of Congress, it is to the political advantage of the President, to increase spending, to do more things to more people. So, therefore, when taxes became a negative because people did not want to pay their taxes, we started borrowing money. We have kept borrowing money.

Now, for the first time we are starting to reverse that course. Last year we had a balanced budget for the first time in 40 years. This year is going to be a truly balanced budget, and we are going to start paying down the approximately $3.6 trillion that is owed to Wall Street.

Let me go back to the total public debt, $5.7 trillion. Of that $5.7 trillion, $3.6 trillion is what we borrow from insurance companies, from banks, from investors, all the Treasury bills that you, I, investment firms, retirement firms decide to buy Treasury bills for. That is $3.6 trillion.

Then we owe approximately $1 trillion to the Social Security, Social Security money that over the years we borrowed and used it for other government spending. Then the rest is what we owe the other 112 trust funds that we have in government.

Look at this chart just a second. This is where we are going on reducing the on-budget surplus. The on-budget surplus was a negative and for the first time ever there is going to be a real on-budget surplus. That means over and above Social Security, over and above the rest of the trust funds, we are going to have a real actual surplus and start having a total reduction in the Federal debt.

I think one area that has not been covered as much as it needs to be covered is government waste. If you divide up the $1.8 trillion that we are spending every year by the 435 Members of the House, 100 members over in the Senate, there still is not enough people in government to keep track of all of that spending.

So what we have found and what we are starting to dig into on the Committee on the Budget is to try to identify some of the significant waste in Federal Government, and believe me there is a lot of waste. Our General Accounting Office now claims that five agencies are not capable of auditing because they do not keep good books.

I would like to call on a colleague that has been active in budget issues. We also share two other committees. We are both on the Committee on Science; we are both on the Committee on Agriculture. The gentleman from Minnesota (Mr. GUTKNECHT) has been one of the dedicated individuals looking at, and excuse the word, frugality in government spending, trying to be respectful of the tax dollars that Americans send in for this Chamber to spend.

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

Mr. SMITH of Michigan. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Michigan (Mr. SMITH) for yielding.

Mr. Speaker, I must first of all apologize. I made the gentleman from Michigan agree not to talk about what happened in last night's basketball game; but I am willing to at least allow him 2 or 3 minutes to talk about it because I am a huge basketball fan myself, particularly college basketball, and I predicted early in the season that if Mateen Cleaves came back in full health and strength that they clearly were the most powerful basketball team that I saw play. And I watched them play four or five, maybe six, seven times on television. So I would yield back to the gentleman from Michigan for a little bragging.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. Speaker, anybody that would like to walk down the third floor corridor of the Cannon Building next to room 306, several of my staff are also from Michigan State. We have a Michigan State banner out there. Michigan State played an exceptional game. The Gators were good, but Michigan State prevailed. Congratulations, Michigan State Spartans.

Mr. GUTKNECHT. Mr. Speaker, I have to say, being a Big Ten fan from Minnesota, having had a chance to watch them all year, they were not just a great basketball team but they were a great group of young men and really demonstrated what college athletics is all about, and that is pursuing excellence and they did it at every level. They clearly were the best team in the NCAA tournament.

There were a lot of great teams. I congratulate the gentleman and all the Michigan State fans, particularly the players and coaches.

Mr. SMITH of Michigan. Mr. Speaker, it is a good lesson for us. It is a good lesson for Congress. If we have the will, if we have the fight, if we have the intelligence and if we have the heart, we can do anything we want to and in this case on the budget what we should be doing is making sure that we do not pass on a huge debt to our kids and our grandkids.

We are from farming communities. I am a farmer. It is our tradition that we try to pay down the mortgage; but in this government, what we have been doing is adding to the mortgage that we are going to pass on to our kids; and that is part of our discussion tonight.

Mr. GUTKNECHT. Well, pursuing that analogy, and comparing the youngsters who played for Michigan State Spartans and won the national championship, I think there are parallels. Essentially, a number of years ago they set a goal. It was a big goal, and I suspect at the time they decided that one day they were going to win the national championship, if they would have talked about that too much publicly a lot of people would have laughed up their sleeves.

I remember 6 years ago we had an election in this country in 1994, and that is when I and 73 of my colleagues came as freshmen Members of this Congress and changed the leadership of this Congress. For many years, the Congress just, as a matter of fact procedure, would raise the debt ceiling and spend more money than they took in. Some of us decided back in 1994 that we were going to run for Congress to make a difference, and that the idea of leaving our kids a debt which they could never pay was just unthinkable.

Coming from a farming background, the history of this country and part of the American dream was that one would pay off the mortgage and leave their kids the farm. What we had been doing as a country and what the Congress was doing year after year after year was in effect they were selling the farm and leaving our kids a bigger mortgage.

We reached a point, Mr. Speaker, and we need to go back to where we were in 1994. We were quickly reaching a point where interest on the national debt was going to be the largest single entry in the Federal budget. We were going to be spending more for interest on the debt than we were going to be spending for all of national defense.

Mr. SMITH of Michigan. Just statistically, we brought down the interest on the national debt from about 18 percent of the total budget down to approximately 13 percent of the total budget. So we are on the right track.

Mr. GUTKNECHT. We are making enormous progress. Going back to this analogy about setting big goals, when we came to town in 1994 a lot of people in this town said we could not balance the budget; we will be lucky if we can just reduce the projected deficit. They were projecting deficits, and if anybody wants to check on this we will send them the information because the Congressional Budget Office, after the President submitted his budget early in 1995, they said we were looking at deficits of $240 billion to $250 billion every year well into the future for; as far as the eye could see, we were looking at $200 billion deficits as far as the eye could see.

Mr. SMITH of Michigan. Not only $200 billion but $200 billion plus what we were borrowing from Social Security, because they were talking about a total everything in, everything out at that time.

Mr. GUTKNECHT. So literally we were talking about deficits of over $300 billion. Actually, we are looking at deficits of over $350 billion in real terms. That is how much we were borrowing from the taxpayers and from Social Security. And people in this town said, well, we cannot balance the budget. Some of us said, and I will never forget, one of the real, I think, prophets of all of this was Congressman Mark Neumann who came with me, served on the Committee on the Budget and he was one of the first to say, just listen, if we just simply slow the rate of growth in Federal spending to roughly the inflation rate we cannot only balance the budget in less than 7 years, we can begin a process of actually paying down the debt that is held by the public.

Talk about big goals, talk about ridiculous dreams. A lot of people in this town said we could do that. Then we went further, though, and if we remember one of the other things we said not only are we going to dramatically slow the rate of growth in Federal spending, not only are we going to eliminate over 400 Federal programs, not only are we going to try to consolidate some of those Federal programs, we are going to go one step further. We are going to allow Americans to keep more of what they earn and the earnings they get on their investments.

For example, we said we are going to take the capital gains tax rate and we are going to cut it by over a third. We are going to cut it down to 20 percent. The cat calls that came from the galleries on the House floor said we were going to blow a hole in the budget. That is risky tax scheme number one, and we have heard that every year. We did lower the tax on capital gains. Guess what? We actually raised more revenue.

We also said it is wrong to make families continue to pay more and more and more, and we said we ought to give families a little bit of a break. Let us have a $500 per child tax credit. Again, the calls of risky tax scheme and this will blow a hole in the budget, then came choruses down upon us and they said, wait a second, you are going to balance the budget while you are giving tax relief to the American people? It cannot be done.

Well, it can be done and it has been done.

Mr. SMITH of Michigan. Well, add to that these other issues of tax fairness, I mean how do we have a Tax Code that is fair enough that people respect the government enough to fill out their income taxes in the best possible way?

So a couple issues that we brought up this year is the so-called marriage penalty tax where government actually have a policy, the way they implement their taxes, that those individuals that are working that are not married end up paying less tax than if they were to get married. So we not only have young couples that are encouraged by the Tax Code not to get married because they end up being penalized by the Federal Government, but there are seniors in my area of Michigan that question whether they should be married or just rather live together simply because their taxes would be less. We have passed that bill now through the House. We hope it is going to move on. We hope the President will reconsider and sign that legislation. Add to that the legislation that we passed in terms of doing away with the penalty on seniors that decide to keep working.

□ 1715

So we have lifted the earning limits on seniors that decide that they want to keep earning because they want some additional income, or they want to pass additional income on to their kids and grandkids.

But right now we discourage them from working, from continuing to work and pay taxes, simply by penalizing and taking away part or all of their Social Security benefits. Now we have moved ahead with those changes.

So I think tax fairness has got to be part of the debate. We have got to make sure we are going to pay down the debt, because that is the biggest challenge that we have in a Congress that has found it to their advantage to spend more.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding to me. That is sort of where we were. We were at this mind-set that, A, we cannot control spending; and, B, we cannot allow Americans to keep more of what they earn. We certainly cannot balance the budget while we are doing those two things.

We have proven that, over the last several years, that those things can be done and, more importantly, that if we give Americans, business people, farmers, average Americans, if we give them the right incentives, they will do the right things.

Unfortunately, and I say this back in my district, the unwritten rule of Washington for so many years was no good deed goes unpunished. If one works, one gets punished. If one invests, one gets punished. If one saves, one gets punished. If one creates jobs, one gets punished.

Look, the gentleman from Michigan (Mr. SMITH) was just talking about the marriage penalty tax. I mean, how ludicrous, the fact that 21 million American couples in the United States are paying an average penalty of over $1,200; in fact I think it works out to about $1,400. The latest calculations, we have got 21 million American couples paying a penalty of $1,400 in extra taxes just because they are married. That is not just bad tax policy. It is not just bad family policy. It is fundamentally immoral.

Much of what we are talking about, whether it is transferring the debt on to our children and grandchildren or whether it is taxing married couples more than they would be taxed if they lived together without the benefit of marriage or whether we are talking about a confiscatory tax on inheritance taxes, death taxes, I mean these are not just tax issues. They are really issues about fundamental morality.

Mr. SMITH of Michigan. Morality, Mr. Speaker, that is right.

What I would like to do with the gentleman from Minnesota (Mr. GUTKNECHT) is play a little game here. I have come up with some specific items that are wasteful government spending, fraud, abuse, waste in government. Maybe we will just take turns. I will come up with one, then the gentleman from Minnesota can come up with one. Then I will come up with one. This will just give the listeners, Mr. Speaker, some idea of the tremendous waste that happens when we have a bureaucracy that is so huge, that is so gigantic, so big.

Mr. GUTKNECHT. Mr. Speaker, will the gentleman yield just for a moment to sort of set this up?

Mr. SMITH of Michigan. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, now we are at a point where our colleagues are once again saying it cannot be done, we cannot limit the growth in Federal spending. I am going to come back to a chart that the gentleman from Michigan has got up right now.

Mr. SMITH of Michigan. If the cameras can focus on this chart.

Mr. GUTKNECHT. Mr. Speaker, it tells a wonderful story. It is a story that I do not think most Americans understand or realize or even believe.

I started telling the story last year. I was out in front of a group, and I am telling them about, for the first time, we are actually balancing the budget, we are paying down debt, and we are going to provide them some tax relief while we are strengthening Social Security. They all looked at me and said, yeah, right. I thought about it for a minute; and if I had been them, I would not believe it either because it is sometimes hard to believe. But let me give my colleagues a couple of statistics.

Mr. SMITH of Michigan. Mr. Speaker, I would like to call to the Speaker's attention and everybody's attention that this actually is a chart developed by the gentleman from Minnesota.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, if people listening to this discussion tonight will remember only a couple of numbers, I hope they will remember these: in fiscal year 2000, which we are currently in right now, the Federal Government will spend $1,780 billion. All right. What we are proposing next year under the House resolution which we passed a week and a half ago, we are proposing to spend $1,820 billion. That is total Federal spending.

Sometimes this gets confused with domestic, discretionary, and entitlement spending and mandatory spending; and there are a lot of different categories. But in total spending, let us look at it this way: last year we are spending $1,780 billion. Next year we are going to spend $1,820 billion. What that works out to is a 2.2 percent increase in total Federal spending.

Now, as that chart demonstrates, as my colleagues look at our projected spending over the next 5 years, we are talking about total Federal spending increases of about 2.9 percent per year. Now, the Bureau of Labor Statistics, as it says on the chart, projects that the average family budget over the next 5 years is going to go up 4.6 percent.

So literally for the first time I think in my adult lifetime, we are looking at Federal budgets that are going to grow at slower rates than the average family budget. That means that, gradually, we are allowing families and the American economy to sort of catch up. That is a wonderful thing because we know that, if we allow families to keep more of what they earn, they will spend it a whole lot smarter than the people in Washington will spend it on their behalves.

That is where it gets back to this discussion about waste, fraud and abuse. I wanted to set this up because there are people already saying, well, we cannot limit the growth in Federal spending to only 2.2 percent next year and 2.9 percent over the next 5 years. That cannot be done. Well, the truth of the matter is it can be done. It must be done.

If we begin to do our work as Members of Congress, whether we are on the Committee on Budget, the Committee on Appropriations, or on any of the policy committees, and we begin to actually get inside the Federal budget, do the oversight responsibility that the American people expect us to do, we are going to find a whole lot of waste, fraud, and abuse.

Just finally to say this, we asked the General Accounting Office and the Congressional Budget Office as well as staffers from the House Committee on Budget to do, really, a relatively quick research of some of the waste that is in the Federal Government today. After their very short review, they came up with over $19 billion.

Now in Washington, we kind of let millions of dollars sort of fall off the table, but a billion dollars gets our attention. So in their very quick study, we came up with over $19 billion worth of waste. We are going to talk about some of those examples.

Mr. SMITH of Michigan. Okay. Here is some of them. What we are going to do with the gentleman from Minnesota, first Michigan will come up with a waste-in-government example. Then we will pass it to the gentleman from Minnesota. We will go back and forth a few times.

Number one, the National Park Service spent $1 million to build an outhouse at Glacier National Park in Montana. It is 6.5 miles from the nearest road, a climb of 700 feet. It took hundreds of horse trips and more than 800 helicopter drops to get the construction materials to the site. Amazingly, it is adjacent to two privately operated chalets which taxpayers recently paid $3 million to renovate. It is one example of waste, fraud, and abuse.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Well, Mr. Speaker, another example that was in the GAO audit that talked about, once again, the Defense Department, we have heard about hundred-dollar hammers, well, they had an example where the Department of Defense was spending over $50 for set screws which one can buy at the local hardware store for 57 cents. It happens even today.

Mr. SMITH of Michigan. Mr. Speaker, in Lansdown, Pennsylvania, when dozens of homeowners learned that their homes built in the 1920s had been constructed using materials contaminated by radioactive radium and therum, the EPA got to work decontaminating some properties and demolishing others. Some residents wanted to stay.

So rather than pay market value for contaminated homes, the EPA agreed to build replicas for the homeowners. In order to do that, the EPA constructed 10 custom homes at a total cost of $6.5 million. That is for 10 homes. One modest home valued at $141,000 was demolished and replaced with a customized replica at the cost of $422,000. Another house valued at $161,000 was replaced with a replica costing almost a million dollars.

It is a government that, when it does not come out of one's own pocket, when one is simply there spending some other people's money, one is more generous. In fact, probably when we negotiate with many of these contractors, the contractors are willing to stay there all night getting the best deal. Government employees too often want to go home at 5 o'clock, so they close the deal, and it is the taxpayers that usually suffer.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, this really runs across every department. We are not going to pick on just one program or one department. But in 1997, the Education Department paid 102,000 students Pell Grants totalling $109 million in overpayments. The audit also found that 1,200 students falsely claimed veteran status to increase their eligibility to the program, that costing taxpayers an additional 41.9 million.

Let me just add about the Department of Education, and I think every taxpayer should be outraged by this, and we in Congress are not doing our job in terms of oversight, because for the second year in a row, we have a $37 billion agency who, according to our own auditing team, the General Accounting Office, says that their books are ''unauditable.'' Now, could my colleagues imagine a corporation of any size, particularly a $37 billion corporation, where, for 2 years in a row, their books were unauditable.

Mr. SMITH of Michigan. Mr. Speaker, that same report said that the agencies were unable to account for over $800 billion, unable to account for $800 billion in government assets.

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

Mr. SMITH of Michigan. Certainly. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, the biggest problem we are up against really I think is this unaccountability. The fact that they cannot be audited is typical. But beyond that what we are saying is private businesses and mom and dad back home know where every penny is because they work hard to earn it. Government thinks it comes from the sky.

An example of waste that this Republican conference actually has corrected now was that the supplemental security income, it pays people of disability kind of a little sustenance, but we were paying it, the Department of Justice was paying it to people who were in prison.

Now, one is not supposed to be eligible if one is in prison. So to determine

if one was eligible or not, what did the Gore-Clinton team do? They left it up to the convicted criminals who were already in jail. So they are supposed to say, hey, I am in jail for 30 years, you all are sending me this check. But do you know what, I am going to send this back to you because Al Gore told me this is the right thing to do.

It is absurd. But this is the culture we are up against.

Mr. SMITH of Michigan. Mr. Speaker, it is the kind of testimony we heard in the Committee on the Budget where individuals that were receiving a check from SSI, supplemental security income, that were alcoholics or addicted, the check had to go to a third party. What we found out in testimony that, often, the third party was the bartender. So it should make us very nervous as to the way we spend taxpayer dollars.

Our Committee on the Budget is looking into some fraud, waste, and abuse. We are looking into the kind of oversight that Congress has got to be more diligent of.

I will read one more on the Pentagon. We want a strong military; but here again, a tremendous amount of waste in the Pentagon. The Pentagon had to report as missing two $4 million aircraft engines, two of them that they could not find; $850,000 tugboats; and a $1 million missile launcher. When the GAO auditor was there, they could not find them. They did not know where they were.

Somehow we have got to do a more diligent job of protecting taxpayer dollars. Part of that I think that is a huge, giant step forward is the decision that we made a year and a half ago not to spend any of the Social Security surplus for other government programs. That is a very good start that moves us down the road of making some of the decisions to make sure that we save and protect Social Security.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I am going to have to leave. I will leave it to the gentleman from Michigan (Mr. SMITH) and the gentleman from Georgia (Mr. KINGSTON). But I just want to say that we are going to continue to hear these shrill calls from some of our colleagues that we cannot balance the budget, we cannot save Social Security, we cannot strengthen Medicare, we cannot pay down debt and provide tax relief for American families. It simply is not true. The reason is, there is still an enormous amount of waste and mismanagement.

They will say and they have said and will continue to say that it is a risky scheme to allow American families, American business people, American farmers, American couples to keep more of their own money. Well, I submit that it is a risky scheme to allow government to keep more of that money because we know what government will do.

The real issue is this: we know that individuals are much more careful about how they spend their own money than how people spend somebody else's money. Now, we have a responsibility, and I think we have done a pretty good job up to this point, but there is still a whole lot of waste, of fat, of misappropriation of money here in the Federal Government.

If we continue to apply the kind of oversight on the Federal budget and among the departments and continue to try and ring out that fat, I think that most Americans, most people beyond the Beltway believe that we could easily take another 10 percent out of the Federal budget today without anybody really feeling the pain.

□ 1730

There is an awful lot of waste in this Federal budget. So we need to continue.

And I want to thank the gentleman for having this special order. There are lots of examples. We should be doing this every week to call to the attention of our colleagues and to the American people that there is an awful lot of waste still in the Federal budget and that we can, with proper oversight and doing the job that the American people sent us here to do, we can balance the budget, we can pay down debt, we can strengthen Social Security and Medicare, we can do all of that and provide tax relief, if we continue to squeeze more of that fat and waste out of the Federal budget.

I think these special orders are a giant step in that direction. So I congratulate my colleague from Michigan. We continue to set big dreams and big goals, but I think if we work together we can make those dreams become reality.

Mr. SMITH of Michigan. I thank the gentleman from Minnesota, Mr. Speaker. It is going to be a challenge.

I think, Mr. Speaker, everybody should know the controversy that we are now talking about in terms of whether or not we get some of this surplus money out of town. The surpluses coming in are significant. There is going to be an anticipated surplus of $26 billion this current fiscal year for on budget; an estimated surplus this year of $153 billion in the Social Security Trust Fund.

The challenge has always been what do we do with that money. Some of us are saying we should be paying down the debt; some say we should have a bigger tax increase. But the challenge is, and there is no question in my mind after looking at what has happened in the debate between Democrats and Republicans over the last couple of months, that if we do not get some of that money out of town, if we do not get some of that money locked up, then it will be spent. That is the danger.

I yield to the gentleman from Georgia, Mr. Speaker.

Mr. KINGSTON. Mr. Speaker, I think the gentleman from Michigan made two very important points. Number one, many of us came to town to cut spending and put some common sense back into our spending process, and yet it seems like the government is always fighting us and resistant on that. It is a little disappointing, though, just at large, outside of Washington, that now we have a surplus and everybody wants to spend it rather than return it to the taxpayers.

I think about the middle class taxpayers I see every Monday and Friday back home in the car pool line. These are people who drive two or three extra blocks if they can save 2 cents a gallon on gas that they pump themselves. These are people who do not buy new clothes unless the clothes are on sale. My daughter has a big senior prom coming up, and she tried on three dresses the other day and asked me which one was the prettiest. Well, they all looked pretty on her, but I wanted to know which one was the cheapest. As a 16 year old, that was not her highest priority, but I have three other kids I have to allocate things for.

And that is the problem with the government. They are always into aesthetic; what is the nicest. They do not ever ask the other question; what is the cheapest.

Americans buy shoes. I like to jog, and I need to jog more, but I can always buy the cheapest shoes when they are discontinued. And they are just as good, but it is last year's model. And if Americans go through that all over this country, why can we not do that in this little tiny area that we call Washington, D.C.?

Another troubling thing is that we, as Americans, do not lose our money. But, and just as an example, the IRS only collects 11 percent of over $222 billion which is delinquent. That is $222 billion. That would pay for a tax reduction. That would pay for a new school program. That would pay for all kinds of other things that could be very helpful for people.

The U.S. Marshals Service was unable to locate 2,776 pieces of property worth over $3.5 million. That was according to the suspicion audit in 1997. In addition, the agency's inventory contained nearly 5,070 different items valued at over $4 million that were unused.

Now, imagine going out and buying something that you keep in your garage and saying, listen I have so many things I cannot even use but I bought them because the money was appropriated to me. That is ridiculous. And the examples just go on and on and on.

Mr. SMITH of Michigan. Well, I have a couple more in front of me. Approximately 26,000 deceased persons received $8.5 million in food stamps, and that was another GAO finding.

Mr. KINGSTON. If they were the Democrat dead, particularly in the Chicago area, they were probably still voting, so maybe they should be getting entitlements.

Mr. SMITH of Michigan. Here is another one. SSI fraud exceeds $1 billion

a year, including a convicted murderer, who received more than $75,000 in SSI disability during his 14 years on death row.

Look, we can give lots of examples, and we need to dig into it more, but part of the danger that I see is the bureaucracy, number one, has gotten so big. The oversight of the legislative branch over the administrative branch is diminishing as we put more of our spending programs on automatic pilot. The entitlement programs.

The two financial challenges facing this Congress are certainly Medicaid-Medicare and Social Security. They are not solvent over the next several years. The Social Security Administration and the Medicare actuaries and trustees just gave a report this past week. They suggest because of good economic times there is going to be a little extra money coming in in the short run.

But I would just like to stress that because the benefits that will eventually come to those people that are earning money, because benefits are based on how much our earnings are, that means that the outgo from Social Security eventually is going to be greater. So the economy, without structural changes in the program, is not going to keep the program solvent. That is the challenge.

One of the disappointing things to me in my last couple of years has been the unwillingness of the President to give some leadership to some of the tough decisions. And I would just like to make it very clear on Social Security and Medicare that the longer we put off the solution, the more drastic those changes are going to have to be.

So I say to young people, Mr. Speaker, it is their future at risk and their taxes at risk. And if we do not make those changes, then within 40 years the estimate is that payroll tax, what is taken out of every dollar earned, in addition to the income tax and everything, the FICA tax, the payroll tax, is going to grow from the existing 15 percent up to 40 percent.

And let me just call to the attention of the seniors what the government did in 1997, what it did in 1987, and again in 1983, when they were short of funds in those programs. They reduced benefits and increased taxes.

I yield to the gentleman from Georgia.

Mr. KINGSTON. What is disappointing, as much work as the gentleman has done on Social Security, and many people have, last year, in 1998 that is, the Social Security Administration spent erroneously $3.3 billion in supplemental Social Security income overpayments, $3.3 billion to people that were not eligible for the money. I would like to think my grandmother's money is going to be spent out very carefully and guarded very carefully, yet they squandered $3.3 billion of it.

On this subject, what I want to say I am disappointed about is that I served in the State legislature, and there were always issues where there were Democrats versus Republicans and urban versus rural. It was kind of like Atlanta versus the rest of the State. Many issues fell along party lines or geographical lines, but still we came together on other issues that were central to the well-being of the State of Georgia, like education or health care.

I assumed, naively, when I came to Washington, that we would have a few issues that, obviously, we could have real philosophical debates on, and then just basically partisan-based debates. And that is part of politics. But what I did not know is that even the more sacred issues, such as Social Security, such as defense, such as Medicare, would become partisan. And this is totally contrary to what I believe American seniors want.

There is nothing partisan about somebody on a fixed income in their golden years who needs health care. Nothing partisan about that whatsoever. Yet here it does seem like it is often the President trying to get one up on Congress in order to embarrass us. Yet, I think our attitude has always been, look, we want to work to solve these problems. We do not want partisan politics over Social Security. It is too important.

Mr. SMITH of Michigan. Mr. Speaker, one of the people on the firing line, on the front line on Social Security, has been the gentleman from South Carolina (Mr. SANFORD), and the gentleman has joined us and I yield to the him.

Mr. SANFORD. I thank the gentleman, Mr. Speaker, and I just wanted to add my two cents.

I was hearing a very interesting conversation really built around one simple thought, and the simple thought that I heard both gentlemen talking about was if the money stays in Washington we will find a way of spending it. So what I think is interesting is one of the latest things we have been working on on the Social Security front, and again the gentleman from Michigan is a co-sponsor of this bill, is a simple idea called the personal lockbox bill.

Republicans in the last session of this Congress passed the idea of a lockbox, of really locking down Social Security surpluses. Because the first part of saving Social Security is making sure that social security taxes stay with Social Security. Not enough to fix it, not nearly enough as, for instance, what the gentleman's plan does with Social Security, again, we have to go a lot further than this down the road to truly save Social Security, but a very modest first step is simply making sure that social security taxes stay with Social Security.

Presently Congress can be endlessly creative in emergency spending and a lot of other designations and basically peeling the lid off the lockbox and finding ways to reach in. So this bill says the one thing that in the long run will protect Social Security surpluses is the simple idea of private property rights. So this bill would take the Social Security surplus, whatever that happens to be, and simply rebate it back to the people paying social security taxes. Not to go out and fix up the car or buy a refrigerator with, but instead to go into their own personal Social Security savings accounts that would be held by a fiduciary.

Mr. SMITH of Michigan. So, in effect, it is almost like a tax cut. Because it is saying, look, here is some of the tax money sent to Washington. We will send some of it back. It goes into a personal savings account where the individual will have control; where if that person dies, unlike Social Security and they do not get anything, this is part of the estate.

Mr. SANFORD. And what is interesting is, not unlimited control. A lot of people rightfully are concerned about will Social Security money be there when they retire. This money would be held by a fiduciary so individuals could not get their hands on the money until they turned 65, but they would at least get a monthly statement and know to the penny how much money was in the account. By doing that, I think for the first time we would be creating a fire wall between Social Security money and political forces in D.C.

To give my colleagues an idea of how this would work, last year, through the unified budget, Washington borrowed $100 billion from Social Security. It was replaced with nonnegotiable U.S. treasuries, as we both know. Now, that cushion of $100 billion went to additional spending. If that same $100 billion had been housed in personal Social Security accounts across this country, and Washington bureaucrats overspent to the tune of $100 billion, then said, Look, we are going to need to borrow some Social Security money. Imagine they said to the gentleman from Michigan, You are a great patriot. Your share of our overspending will be $473.27. Would you mind cutting a check out of your personal Social Security account back home and sending it to Washington? I can only imagine the reaction of the gentleman, as I can imagine the reaction of a lot of other folks.

So the gentleman is exactly right. In other words, this is, A, like a tax cut in that it gets the money out of town; but, B, it is in an awfully safe place out of our hands.

Mr. SMITH of Michigan. It strikes me that property tax has been lowered pretty much all across the country because taxpayers have had to reach into their own pockets at tax time and pay that property tax. The result has been outrage by a lot of taxpayers the way property tax went up, and so it was reduced.

What do my colleagues think would happen if individuals, if there was not payroll deductions and individuals had to reach in their pocket April 15, and people are filling out their taxes now,

if they had to go into their pocket and pay all of the Federal income tax? They would raise holy heck, I guaranty my colleagues. But I just urge that taxpayers start looking at their W–2 forms, looking at the amount that is deducted from their paychecks on a weekly, biweekly, monthly basis that is coming to this Chamber, to the Federal Government, so other people can decide how to generously spend their money.

Mr. SANFORD. And I would just ask the gentleman to yield for just two more seconds worth of time to say, and I think the gentleman's expression was to raise holy heck, or something along those lines, in terms of voter outrage. I would just ask folks to do that with regard to this simple idea of a personal lockbox.

To the gentleman's credit, he is a cosponsor on this bill, and I have not talked to the gentleman from Georgia yet about the bill, but I would suggest to taxpayers that they ask their representative to sign onto this bill, because I think it is a very modest first step not towards saving Social Security but towards saving the Social Security surplus, which I think again is a first step in that direction.

□ 1745

Mr. SMITH of Michigan. Mr. Speaker, there is $153 billion extra coming in this year for the Social Security surplus, and anybody that is nervous about government spending, and I refer to this chart, what we came up with is saving 100 percent of the Social Security surplus; but what the President sent us on a budget is only saving 62 percent of the Social Security surplus.

There is the long arm of the taxers and spenders that would like to come up with more programs, doing more good things for people. I think anybody that thinks that this Chamber is going to be more frugal as they need to be with your tax dollars is mistaken. We have to find some way to lock it aside; and not spending the Social Security trust fund is a good start.

I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I wanted to ask the gentleman from South Carolina (Mr. SANFORD), just to kind of reiterate, as I understand it, what the gentleman is saying. We have this big Social Security trust fund, right, kind of a general pot of money. Now, in the private sector, you really do not combine all the retirement plans into one jumbo plan, I have my account, the gentleman from South Carolina (Mr. SANFORD) has his and the gentleman from Michigan (Mr. SMITH) has his, and what the gentleman is saying is let us have it both ways, let us have the big account roped off so we cannot get to it, any future Congress cannot touch it; but, in addition, for the individual taxpayer, myself, the gentleman from South Carolina (Mr. SANFORD) and the gentleman from Michigan (Mr. SMITH) and our loved ones and our grandparents, you would have, like you would in a private pension fund, your own account, and that money could not be dipped into either.

So what the gentleman is suggesting is not only a vault for the big account, but then a bunch of individual vaults with individual keys, so it would be that much harder for Congress to irresponsibly break into this big vault of money and start spending it on roads and bridges and other needs.

Mr. SANFORD. Mr. Speaker, the gentleman from Georgia (Mr. KINGSTON) is right. To the Republican Caucus' credit, they created a lock with one big vault; the problem is, if you happened to find the key, you can get into it. And as the gentleman correctly pointed out, if you got this into 70 million different vaults, you may find one key, but you are not finding all 70 million keys.

And the gentleman raised another interesting point, which is, in the corporate world, if we did what we are doing at the Federal Government, and not the three of us, but what the Congress as an institution, what the Federal Government overall is doing, you go to jail based on Federal law, and, that is, via the unified credit, we borrow from our retirement reserves to pay for the current operations of government. If you borrowed from your retirement reserves in the corporate world to pay for the current operations of the company, you go to jail based on Federal law.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, under this system, would I get a monthly or an annual statement that shows how much I have in my own retirement account? Then let us say mine says I have $38,028 in mine. If the government raided that account, would my next statement show that my $38,000 had fallen to 35,000?

Mr. SANFORD. Mr. Speaker, yes, that is one of the important points about a personal account which the bill of the gentleman from Michigan (Mr. SMITH) does, again, which is actually reforming Social Security which is what has to happen in the long run. This very modest step, you never have $8,000, because it only deals with the Social Security surplus; but what it would show is the point that you raise, which is, right now one of the reasons it is so easy for government to borrow Social Security money is that nobody has any clue as to what they sent in over all the years they have been working in Social Security taxes, and, as a result, if you do not even know how much you have got in your account town, it is very easy to borrow.

If, instead, you knew to the penny how much was in your account, immediately you would detect borrowing and, again, help to create some kind of political firewall between political forces in D.C. and this money.

Mr. SMITH of Michigan. Mr. Speaker, I say to the gentleman from South Carolina (Mr. SANFORD), I think what is another positive of this approach or an approach to start some kind of a pilot program that I am introducing is to get our foot in the door, to give some possession of that Social Security money that is being paid in back to the taxpayers, the workers of America that are paying it in.

Let me just reinforce the positive aspects of the gentleman's proposal, my proposal, referring to what a couple of the Supreme Court decisions have been. Two Supreme Court decisions have now said there is no connection, there is no entitlement to anybody receiving a Social Security benefit. The taxes that are paid in, the Supreme Court said, are simply another tax; the benefits from Social Security are simply another program that Congress and the President have decided on, so there is no right to Social Security benefits.

It seems to me like Americans should be saying in this election to their candidates that are running for Congress, to the presidential candidates, look, what are you going to do about Social Security? I do not want just words that say, boy, Social Security is important; we have to put it at the top of our list. How are you going to keep Social Security solvent? How are you going to make sure that future Congresses, when they start running short of money, are not going to again reduce benefits and increase taxes like they did in 1977, like they did again in 1993?

Mr. SANFORD. Mr. Speaker, the gentleman raises a very interesting point, and, that is, the thing to remember about what we are talking about here is that last year about $400 billion in Social Security taxes came to Washington, about $300 billion we were required to pay for current retirees, my grandmother, maybe the gentleman's mother, I mean different folks out there. And about the other $100 billion is what is called the Social Security surplus, and all this particular bill gets at is that $100 billion, rather than being borrowed by the rest of government, it would go into these personal accounts; but what we are not talking about is that other $300 billion that currently goes to pay for retirees across America.

Mr. SMITH of Michigan. Mr. Speaker, as we start wrapping up this 1-hour session, the gentleman from Georgia (Mr. KINGSTON) is the chairman of our communications effort in the Republicans in Congress, and I think that is so important, because generally Republicans have been very good on policy. I think our marketing has been a little weak. We look to the gentleman for guidance on that marketing.

I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, unfortunately, one of the gentleman's biggest problems is that the communications channel, i.e. the major networks are not going to give Republicans a fair shake.

Last week, as the gentleman knows, we had Bob Dole who spoke to our communications group, and he said that 68 percent of the single candidate coverage in his presidential bid that was only on Bob Dole was negative, but 67 percent of the only Bill Clinton news was positive.

Now, one just cannot go up against those odds. The other day, AL GORE, here is a guy that invented the Internet; here is a guy who goes to the Buddhist temple, comes back, shakes downs these Buddhist monks, sworn to poverty, for $300,000, does not recognize it as a fund-raiser, and says he is one of the more intelligent of the presidential candidates. He said the population of America is 250 million people; therefore, we need sampling for Census as a way, instead of head-by-head count, he wants to guess at it.

Well, the interesting thing is he said it was 250 million people. The population of America is 274 million. He was 24 million people off.

Now, if Dan Quayle had said that, we would bet that the national media would have had a heyday. But since it was AL GORE, one of their own, they were not going to worry about it.

So a lot of the problems that we are up against is we cannot get our message out when we have an unwilling messenger, and that bias of the major networks or some of the newspapers is that way.

That is why I get down on my knees and thank the Lord for C-SPAN because people can hear things; and if they do not like me for my own merits, which I am sure many do not, that is fine; but at least they do not have to have Dan Rather interpret it for them.

Mr. SMITH of Michigan. Mr. Speaker, reclaiming my time, I think probably one thing that disturbs a lot of Americans that observe this Chamber is the partisanship between one side of the aisle and the other. Somehow we have got to figure out a way to reduce that partisanship. Somehow we have got to find a way to communicate the whole truth, and nothing but the truth, to the American people.

I think information technology, I think the Internet, I think some of the talk shows are going to be the way that we are able to communicate exact information. But if we are going to solve some of the tough problems, there is no question that Republicans and Democrats and the President, whichever side of the political fence he might be on, are going to have to work together to solve the tough problems of Social Security and Medicare.

Mr. SANFORD. Mr. Speaker, if the gentleman will continue to yield, I would just say, following up on the need to be bipartisan, if there is ever a need that we need to move off dead center on, it is this one.

It is interesting, there was a report this week that basically looked at the insolvency date, if you will, of Social Security. And what the report showed was that the actual insolvency for the ''fund'' was, moved back from about 2034 or so to 2037, something along those lines, but moved back a couple years. People say, that is way down the road. I do not need to think about it.

The more interesting number is, when does Social Security begin to run shortfalls? In other words, when is more money going out of the system than is coming in? And that number was moved from about 2012 to about 2015 in what they call the intermediate set of assumptions. And if we look at a worst-case scenario, it is about 2008 or so, which is only 8 years away.

This is an issue that we have got to deal with now. And I think that some in the administration are saying hear no evil, see no evil, speak no evil; and some in my own party are saying that, as well. It is something we can worry about later on.

It is so long to look at that 2030-something number, and here is why. If we would imagine a family that lived in Michigan or lived in South Carolina or lived in Georgia that saved $100 a month every month towards their retirement, clearly, at the end of the year, they would have $1,200 in their retirement account.

Now, this family also loved to take a cruise every year. So they would go over to their retirement account jar, they would take the $1,200 of real cash out, they would write themselves an IOU, put back the IOU in the jar, saying, we owe our retirement account $1,200.

At the end of 40 years, that family would have some wonderful memories in terms of great cruises that they took. But in terms of retirement security, they would not have a whole heck of a lot because they would have a jar filled with IOUs. And in retirement, they cannot spend IOUs. If they go down to the drugstore or the grocery store, they will not take an IOU. They want cold hard cash.

So what we have to look at is, the way our present system is configured with this odd notion of a trust fund, we are really misleading the American public because that money is borrowed; it is spent by the rest of government; and all we have in its place is this IOU.

We cannot spend money twice. We may try to in Washington, but gravity dictates that we cannot. So it is important that we not get lulled into complacency thinking about 2030-something and look at how immediate this problem is. That is why I again would commend the gentleman for what he has done on this subject.

Mr. SMITH of Michigan. Mr. Speaker, maybe we have made a significant difference in our yelling and screaming and getting on our soapbox and saying we have got to be fiscally responsible, because even now the Democrats are saying we should not spend the Social Security surplus, a huge change from where we have been for the last 40 years.

I know the gentleman from South Carolina (Mr. SANFORD) is keeping his commitment to have a citizen legislator on his term limits that he has imposed on himself and is leaving after this term. It would be so good if we can, at least, move a little bit in the direction of accountability and having some kind of personal accounts.

I chaired the Social Security Task Force, bipartisan. It is interesting that we agreed on 18 findings. I think we are coming closer. I think the Chamber is realizing more and more, simply because the people of America are insisting that we face up to some of the tough problems, that we get rid of the partisan bickering, and that we deal with the problems of Social Security, Medicare, and education.

We have decided in this budget that education is going to be one of our top priorities. We have increased the money for IDEA and other education provisions. Because, look, the problems we are running into Social Security and Medicare, if we do not have a top-notch educated workforce in this country, then we are going to lose out to other countries of the world.

Mr. Speaker, I would ask the gentleman from Georgia (Mr. KINGSTON) if he would like to make a final statement.

Mr. KINGSTON. Mr. Speaker, let me encourage both of my colleagues to keep up the good work on Social Security. But, also, let us continue to ferret out the waste and fraud in government and try to do a better job for the hard-working American people. Put common sense in the process.

□ 1800

EDUCATION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, I rise today to speak about one of the most critical issues facing our Nation today, and, that is, the education of our children. As a former superintendent of my State's schools for 8 years in North Carolina, I know firsthand how important it is and I know about many of the amazing stories, wonderful stories that have occurred and are occurring every single day in our public schools. Too many times we hear about the problems, and we do not hear about the successes. We tend to want to talk about those problems and not acknowledge that the majority of our children are good youngsters, they do a good job, they work hard, our teachers are working hard and they deeply care about the young people they work with. Just this past weekend, I had the opportunity to be with almost 100 of them in a group in North Carolina, and I will talk about that again in just a few minutes. But I would say to my colleagues that if America is going to

seize the opportunity of this new economy we talk about, the digital age that we are entering, Congress must provide some national leadership in this most vital effort. Too many times we say, well, it really is not a national issue, we ought not to get involved in it, we ought to be doing something else, and education is important but it ought to be left here or there.

The truth is it is all of our responsibilities, Federal, State and local, and having been at the State level as a county commissioner prior to being a State legislator and a superintendent, I can tell my colleagues that the bulk of the money continues to come from the local and State level, it always will as it should and the decisions by and large will be made there. But if we had not had programs at the Federal level for children with special needs, then they would not be taken care of the way they are today and we still are not funding that adequately. There are a lot of other areas that we need national leadership on. Certainly education is one of those areas that I think that we need it.

There was a time in this country when we did not pay a lot of attention to roads or water and sewer and then we recognized it was an important national issue and it still is today, and education is one of those. Across this great country, the American people are calling for a greater investment in our public education system. They are also calling for accountability. This Congress had an opportunity to do that last year and would not step up the way they should.

This past week, we talked about the whole issue of the Republican leadership. And last year they dealt with it, the Republican leadership wanted to put together a voucher plan, providing vouchers which in my opinion is not the way to improve education for all of our children. It is really a joke and a hoax on most of them. It will provide an opportunity for only a few and it will pump billions of dollars of tax money into financing areas that is so badly needed for our children in the public schools. I happen to believe that that is absolutely wrong. It would drain those resources from the public sector that is badly needed and leave too many children behind, in my opinion, condemned to a bleak future of failure.

As I was starting to say a few minutes ago, with about 90 some young people, high school students I was meeting with this weekend, a variety of young people across our district where we were talking about the needs of what we ought to do about school violence.

It was amazing the answers these young people came up with. One of the issues they focused on was the need for quality facilities and resources in those schools. How do you tell a student that education is important when they do not get a textbook until 3 or 4 months into the year? How do you tell them it is important when the toilets do not work in the bathroom? How do you tell them education is important when all they have in the classroom on a fairly regular basis are substitute teachers because they do not have enough regular teachers in the classroom for a variety of reasons. We are not paying them enough, we are not attracting them, we are not making the quality of where they work and that is where teachers work and students learn and work. They have to be quality facilities. That is important.

You can say, That isn't the most important thing. I would say to you if you look across this country at what we value, we normally have nice buildings, the buildings that we value. They say a lot about what we care. Young people can pick that up very quickly.

My colleagues and I who are participating in this 1-hour special order this evening, we happen to have, I think, a better idea. We want to invest in a national commitment to educational excellence where schools are accountable to taxpayers for raising standards and every child has an opportunity to learn. My colleagues who have heard me talk about this before know that I not only believe that but I have worked that as a State official and as a State legislator because if you look at North Carolina, you are looking at one of the school systems in this country that really is holding our system accountable. And of all the States in the Nation, they are showing some of the highest growth in academic scores and accountability of any State in the Nation.

It takes a total commitment on the part of everyone. Improving education in this country is about creating a classroom environment where children can learn and teachers can teach. We need to foster greater connection between students, teachers, and parents and I might say the broader community. Schools in most communities are, have been and still are, that center focal point; and they need to be more so in the future. Our schools can do better, and with our help they will do better. Because that is where the future of America is, that is where the future of our States are and where the future of our communities are. They are in our classrooms today.

Children do not know what they need many times unfortunately in school. They only know what they get. Unfortunately in some cases, they are not getting what they ought to get, for a variety of reasons, one of which may be the community does not have the resources to invest. In other cases the community is not willing to invest those resources. That in my opinion is shameful if that should happen.

One of the best ways that we can improve education is to help provide smaller class sizes that are orderly and disciplined and where children can get additional attention from their teachers who really can ignite that spark of learning, the thing that teachers call the teachable moment, when the child really gets turned on to learning.

As I met with those roughly 80 to 90 students this weekend and we were talking about school violence, one of the issues they talked about was how do we get smaller class sizes, how do we get in a class where we really know that our teachers care and gives us the time? We know they care about us but she has so many students to take care of, she cannot give me the individual attention that I need.

These were some pretty bright students, as are most of our students, but there are some who need that special attention to catch up and to keep up. Not all of us learn math as fast as others. Not all of us do as well on composition. So there are a lot of ways that we need it, but if we have smaller class sizes, we can do a better job for our children. I happen to believe we do a better job for ourselves because the information age of the 21st century is going to require that all of us be able, whether we want to or not, no matter what our age is incidentally, we are going to have to be able to be on the Internet, we are going to have to be able to type, we are going to have to be able to compose, and we are going to have to send information back and forth. It is so critical and so important. I think one of the best ways we can do it is follow through on our commitment to reduce class sizes.

We started that with the President's initiative a couple of years ago, we have to fight for it every year, and certainly what we do here, it will set the tone for the country. It is not the dollars that we need because they still are going to come at the local level but we can leverage the Federal money to make a difference, and I think that is important. We need a new national commitment to the notion that parents in America have the right to expect that their children will have the best teacher in the world. How do we do that? We certainly do not do it by cutting education funding. That is the first thing we do not do. We do not do it by talking about how bad our teachers are. We talk about how do we make them better, how do we provide staff development for those teachers that are in the classroom. We can do that.

I know as a State superintendent, one of the things that once you have a tight budget, one of the first things you start to see is staff development gets cut, retraining of teachers. No business in this country in their right mind would cut out the resources to retrain their staff, especially at a time when they want to expand their product line.

What are we saying to our teachers and students? You have got to teach technology, you have got to teach math, you have got to teach computer skills, you have got to do composition. We keep adding more on, but we do not want to give them the resources to get the job done. Too many times we say, well, what we really need to do is you

need as a teacher to go after school and learn how to be a better teacher. That is what we do in many places in America. Or you do it on a weekend, or you do it in the summer on your own time. The last time I checked, teachers are not paid 12 months of the year in most places in this country, they are paid either 9 months and if they are real lucky, they may get paid 10 months and spread it out.

Mr. Speaker, we have to get serious about this business of educating our children. If we are going to be serious, then we have to make a new, renewed national commitment to education in this country. Providing support for our teachers is more than just providing resources. That is one of the most critical, one of the toughest tasks that anyone will do. I would challenge every Member of the United States Congress if they really think education is an easy job, go in the classroom and spend a week. Do not go spend an hour as a visitor and walk through and smile and say, I'm glad to be here, and have someone put on a performance for you.

Go in at 7 or 7:30 in the morning and have bus duty. When you finish bus duty, then you go to the classroom and you teach. When you get a break, you have hall duty. You get through with hall duty and get ready to go to the cafeteria and your children are eating, you have lunchroom duty because you stand around and watch the students and make sure the paper gets picked up and they are behaving in that, depending on their age level. Then when you finish, depending on the school, you may have tutoring duties after school is over in the afternoon.

And, oh, by the way, then if there is a basketball game or a football game that night, you may have duties assigned to you for that. Oh, and by the way there is not additional money for that, that is just part of your duties of being a teacher. Thank God that we have people who are willing to do it and teach our young people. When we see those yellow buses running up and down the road on the weekend, they may be going to a band concert or they may be coming back from an athletic event or they may be going to a science fair or a math fair or any number of things that our young people participate in on the weekends and the teachers and staff are volunteering.

Yes, there are parents, and I am grateful for those parents who take the time and are willing to do it, because we need parents. We need every parent engaged. I have often said if every child in America had one adult mentor, be it one of their parents or their grandparents or someone who really and truly was their one individual, that other person that would stand up and fight for them and make sure they got in the right class, they got the right attention and they were on a track to be all that they could be, it would be a different education system in America and we would have a different country. But not all children have that. They depend on their teachers and counselors and others to help them.

So rather than these things that we talk about in this Congress many times, many of my colleagues on the other side of the aisle want to bash teachers, want to bash education, I say we ought to hold them up and help them. We ought to encourage them. Yes, we ought to challenge them and when they are wrong we ought to point it out but not always bash them because they have too tough a job. And we ought not be talking about block grants, because I think block grants are many times in, my opinion, an irresponsible way to get out of our duties of providing the true resources that are needed in the classroom and in other areas for education.

□ 1815

I believe that we do not have in this country any children that we can give up, nor any children we can waste.

Mr. Speaker, America is a great country. I get frustrated sometimes when I hear people talking about how great the economy is, what a terrific job this country is doing, and how bad our public schools are. Really? Who are most of the people who are running our industries and doing all of these jobs in America? They went to the public schools of this country.

What we need to do is help those who are there today so we will continue to have that growth. We have more young people in public schools in America today than ever in the history of this country. And that is why classrooms are just bulging at the seams; schools are overcrowded and overloaded. I went into a school in my district just last week; the school is in its third year and they have 18 trailers outside the school. Now, that is because it is growing so rapidly. The communities are growing. People are moving there. As I often tell people from time to time, we are glad to have people moving and we are proud to have them come to our State.

We have a great growth economy in the Research Triangle Park area, one of the great dynamic, high-tech centers in America. But there is something about when people move there, they have a tendency to bring their children with them, as they should. And that puts additional pressure on our schools and local governments, and that is true across America because we have a very mobile society, a more mobile society today than we have ever had in history. We have to make sure that our systems fit it and that we have opportunities for young people.

Mr. Speaker, as we talk about this idea of vouchers and block grants, I think we need to get that out of our vocabulary and get back to what is really important: how do we help teachers, how do we help children, and how do we help our educational system become what it needs to be to provide for the challenges that we are going to face in the 21st century. We must make every neighborhood public school in America work. We must make every neighborhood public school in America work, and we can. If we are supportive and engage the community, the business community, the civic community, and the parents in those schools, we can make them work.

Mr. Speaker, I have a bill and a number of my colleagues have others, like the school construction bill that I have that will provide resources to the local units of government. What it does is that the State governments will have it, and they will not have to pay the interest. That will be picked up at the Federal level. They only pay back the principle. They decide where the schools are going to be built and how they are going to be built. It will not solve the whole problem of $100-plus billion that are needed for our schools for renovation and new schools; but what it will do, it will send a powerful signal to America that our public schools are important and we are going to engage at the Federal level and we do care and we are going to make a difference.

I have another bill that many of my colleagues on both sides of the aisle have signed on to, and it is entitled Character Education. I will talk about that again in just a few minutes. A third one that we are involved in on both sides of the aisle, the Speaker and Minority Leader Gephardt; and Speaker Hastert appointed 24 Members on a Youth Violence Task Force. I want to talk about that also in a few minutes. I think these items are very important to us as we look at education and where we want to go.

Mr. Speaker, this whole issue of character education is a critical piece, and what this legislation does, and let me hold up for my colleagues a chart, because we have used this, and we really started this in North Carolina in about 1989. We did a survey at that time of our public schools. We surveyed about 25,000 students; and one thing we found from that survey is a large number of our students did not respect, number one, their fellow students and in some cases their teachers. It was an alarmingly high percentage. So we felt it was something we ought to do.

So we started out with a panel of citizens, teachers, superintendents, judges, lay people, ministers and others and we came up with what we call ethics education. Well, we did not really like what we were doing on that; we kept playing with it. In about 1993, we finally finalized it to be ''character education'' at the Vanderbilt University and other places, and came up with a number of character traits that we felt were the core issues and shared it with all of our public schools. There are seven of these. Now the truth is that systems can enlarge on it, and did. The basic ones that we laid out were respect, citizenship, justice and fairness, honesty, caring, responsibility, and trustworthiness.

So what we did as we worked on our curriculum, we asked that each school

that was involved integrate that into their curriculum. We did not want to have an additional add-on for the teachers. They had enough to do. So what they have done is tied that into when they are teaching math, when they are teaching history or science, or whatever they may be teaching that day, they pick out one of these characteristics, and as the year goes on, whichever ones they have agreed on, that becomes an important part of the students curriculum, and they have signs that they put in the school.

But let me say to my colleagues, before they agree to do it, the community comes in and agrees on the numbers of the different items of the character traits that they are going to use, in that individual school system.

Now, normally it winds up being the whole LEA; and it may be, depending on the size of it in North Carolina, anywhere from 3,000 all the way up to the biggest school system with about 110,000. But what it does is amazing. We see the discipline problems go down in those schools. I was in one in Four Oaks about a month ago talking with the principal. The number of discipline problems have gone down by almost a third, and the academics went up on the part of the students in that school. We say well, why would that happen? Easy. When they start respecting one another, they respect their teachers, they understand they have a responsibility to do their homework, they have a responsibility to one another, they care about themselves, they have citizenship responsibilities, and this starts to be a part of what we are talking about.

Mr. Speaker, there is nothing wrong with this being a part of public education, as it should be, of every education, of a good education. We get away from these issues that tend to divide us, when we talk about whether or not we can have prayer in school or whether or not we can have these other issues that become constitutional issues. What we ought to be talking about is something we can do something about to make a difference for children in America and make sure that our education system is the best it can be. Because when we talk about public education, we ought not to be dealing with division; we ought to be dealing with addition. How do we add to what we have done to make it better for all children?

Mr. Speaker, we have a chance in this Congress, now that we have some resources, to make sure that Social Security is fixed, we start paying down the debt, and we invest in the future of our children; and we can do it by putting resources out there and do some school construction. I am going to talk about that in a minute.

At this time I want to yield to the gentleman from Wisconsin (Mr. KIND), my friend who has been a real leader in this Congress, who serves on the Committee on Education and the Workforce and has been a real leader in public education because, number one, he knows what it takes; and, number two, he cares about it and is committed to it.

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman, especially for the leadership that he has brought to the United States Congress on this very important issue on education, bringing his experience as former State superintendent of the school system down there in North Carolina, and his active role within our caucus, but within this body generally in trying to elevate this issue and the importance of this issue for the rest of our colleagues. It has been a great privilege for me personally over the last 3, a little over 3 years now as a Member of this Congress to serve on the Committee on Education and the Workforce.

During the first term, 2 years ago, the focus on the Committee on Education and the Workforce was reauthorizing the Higher Education Act. This is the panoply of Federal programs that assist students if they want to go on and receive a postsecondary education, whether it is technical school or colleges or universities, the financial aid packages that are available, the grants and loans and the work study programs, the Gear Up for High Hopes Program that another Member, the gentleman from Pennsylvania (Mr. FATTAH), was a champion on. This session, we are in the middle of reauthorizing the Elementary and Secondary Education Act, and that is the Federal involvement in K through 12, and also some preschooling programs, early childhood education programs, after-school programs as well.

Mr. Speaker, this is vitally important. It is no surprise that this has consistently ranked as one of the top issues for the American people that they are concerned about, whether it is an election year or not. It is certainly showing up right now in the election year polls, that education is a top, top priority for them. They want to hear what we as policymakers are going to do to improve the quality of education and implement the reforms that are needed in order to give our children the best chance and the best hope that they have to become productive members of our country and this society.

I also want to commend the gentleman for speaking out about the need for character education and the role that that plays, because again, this is a growing concern that many of us share in regards to our own children and to the younger generations, that there should be an important character education role in this.

Tomorrow, in the Committee on Education and the Workforce, we are actually going to be moving and marking up another aspect of the Elementary and Secondary Education Act. I hope we get it right. Last year, we had some education initiatives that I think we can be proud about, such as the Education Flexibility Act which was passed which provides greater flexibility for local school districts and being able to use the Federal monies designated for specific programs, for targeting it to areas that they feel they need extra help on or areas of innovation or creativity that they have working at the local level. And I was very supportive of that fine legislation.

We also passed the Teacher Empowerment Act last year, which will provide resources for professional development programming, the important aspect of making sure we have the most talented and most qualified teachers sitting there in the classroom teaching our children. Outside of the active involvement of parents in their children's upbringing and especially in their education studies, the next most important determinant of how well a child is going to perform is the quality of teacher in the classroom. So I am glad to see that we had a heavy emphasis on the Teacher Empowerment Act and the professional development aspect that that brought.

I also included a provision in that bill that would provide professional development assistance for principals and superintendents and the administrators of our school districts realizing the all-important role that they play as, so to speak, the quarterback of the school district, being the leader and being able to implement the reforms and knowing what reforms are going to work at the local level. But there has been a real, I think, lack of a good, quality pool of talent to draw from into the principals and superintendent ranks. Now we are hoping that as that legislation moves forward, that is going to be an important part of it.

We also reauthorized the Title I funding last year, which is the targeted funding to the most disadvantaged students in our country. So I think there has been progress made.

The Senate has taken another course of action. Tomorrow will be an indication of how well we can reauthorize the Elementary and Secondary Education bill. I am offering a bill that my friend from North Carolina is an original sponsor on that would provide more resources back to local school districts to enable teachers to better integrate technology into the classroom curriculum.

Mr. Speaker, we all understand the important role that technology now plays in this global new economy that we find ourselves in. Virtually all of the jobs that are being created today require some form of technology literacy, and we just cannot afford as a Nation to underinvest in this area when it comes to being able to deliver in important and powerful new learning tools, technology and the Internet, and make that an integral part of a child's learning process.

So we are going to be offering that up tomorrow during the markup. Hopefully, it will be adopted, because I think that is clearly the direction we need to be going in as far as education policy in this country.

I am hoping that as the presidential election season moves forward too that we are going to have an honest and healthy discussion about education and education reform in this country, because it is so vitally important. We are already starting to see the differences between the candidates, whether it is Governor Bush or Vice President Gore, some distinct differences in direction, in vision, in what their agenda would offer. In fact, Governor Bush just late last week was campaigning in my congressional district in western Wisconsin and visited an early elementary school and a Head Start Program there; and he was talking a little bit about his education initiatives, one of which was a new program that he is proposing that would offer $5 billion in spending for early childhood literacy programs. Unquestioningly, this is something that I think all of us should be able to come together on in a bipartisan manner, because it is something that we need a healthy investment in.

□ 1830

But quite frankly, this has already been implemented back in 1996. It is called the Reading Excellence Program, something that Vice President GORE had already championed and helped usher through the United States Congress, and that President Clinton in fact signed into law. It was a commitment for more resources for early childhood literacy programming.

In fact, the State of Texas happens to be the largest recipient of those funds for the Reading Excellence Program, so perhaps that is where he got his idea from. If that is the case, so be it. I just say, welcome aboard. We are glad to have you there.

There are areas I think that there are some deficiencies in where Governor Bush would take the Nation or fight for when it comes to educational programming that provides a distinct difference from where Vice President GORE is. Vice President GORE is a strong proponent and advocate for the need for doing everything we can to reduce class sizes in this country.

If we can develop an education system with a better teacher-to-pupil ratio, there are just a multitude of benefits that derive from that: more personalized attention; better discipline in the classroom; teachers that are not overburdened, overworked, having to take home assignments and papers that they have to grade until the wee hours of the morning.

Anyone who harbors the illusion that teaching is a 7 a.m. until 2:30 p.m. job is sadly mistaken, because that job continues after the final bell rings, and they are either working with students on an individualized basis or grading papers throughout the night and over the weekend. It is a major, major commitment.

As we talk to teachers about what we can possibly do to help them do their jobs better with the increasing demands that we are placing on them for better student performance, this is one area that they continuously come back to us on; that is, reduce the class sizes, give us the chance to work in a more personalized and individual manner with these kids in the classroom, and we will produce the results.

We have a very successful program in the State of Wisconsin called the SAGE program. It is a pilot program, not universal yet in the State. I would like to see it made universal. It is for reduced class sizes. In fact, last year the University of Wisconsin at Milwaukee just released a study showing the benefits of reduced class sizes under SAGE in the State of Wisconsin.

In the State of Tennessee, we have had hearings before the Committee on Education and the Workforce. They are very proud of the Star Program they are able to implement on a universal State-wide basis. The results speak for themselves. Governor Bush is not talking at all about the need for class size reduction, whereas this administration and Vice President GORE have been willing to fight to try to maintain a separate funding stream for that very purpose, to hire teachers to reduce class sizes.

I think another very important missing component in Governor Bush's education plan has to do with school modernization and school construction. Again, he is silent on this issue, when, if we travel throughout the country, not just in our own congressional districts but throughout the country, there is an overwhelming need for an increased investment in modernizing today's school, the need for more school construction to deal with the demands of overcrowding, but also to deal with the technology and infrastructure that really has to be put in place.

Vice President GORE has a distinct idea and plan on how to get there. Perhaps the greatest difficulty that I have with Governor Bush's education agenda is that I do not see how we could fund it. I do not see how, even if he comes up with a lot of great ideas on that, where he can have some meaningful and credible funding commitment for these programs. That is because in his fiscal policy for the Nation that he has laid out, he is proposing a $2.1 trillion tax cut over the next 10 years.

Last year, this body moved about an $800 billion tax cut. They tried selling it to the American people at home, and they were not buying it. It is because I think people are generally fiscally conservative with these matters, fiscally responsible, and they understand that we already have existing obligations that we need to live up to: shoring up social security and the Medicare programs, paying down the $5.7 trillion national debt, having a greater commitment to education funding and education programs within this country.

But with a $2.1 trillion tax cut, if enacted, that would virtually make that impossible. In fact, the most rosy economic scenarios that economists are giving us right now show that maybe if we are lucky an $800 to $850 billion surplus over the next 10 years might appear. So it does not take a third grade math education to do the revenues and realize there would be a serious revenue shortfall which would require one of two things, either dipping back into the social security trust fund to finance a tax cut of that magnitude, which I feel is very risky and very irresponsible, or basically an across-the-board spending reduction in virtually all the programs and important investments that we have to make as a Nation, somewhere to the tune of 25 to 30 percent cuts in programs such as education.

So he really cannot have it both ways, by being out there on the stump talking about this huge, fiscally irresponsible $2 trillion tax cut, while at the same time also saying, but I support a $5 billion 5-year initiative for early childhood literacy programs, which I would hope would receive good bipartisan support but hopefully within the context of fiscal responsibility.

Let me just end with this one last point. In my district, in the Third Congressional District in western Wisconsin, we kind of are blessed with a mecca of higher education and learning. We have five State universities, seven technical school campuses, a private college right in my hometown of Lacrosse. Higher ed issues are very important.

As I travel around the campuses and meet with students, asking them, what can we do to make secondary education an opportunity for you and other students, their constant complaint is that there is a greater and greater reliance on loans and requiring them to take out more and more loans to finance their education, which leaves them with a mountain of debt as soon as they graduate, just as they are starting their lives and starting families and starting their careers, which places an incredible financial burden upon them.

It was not so long ago, and my friend, the gentleman from North Carolina, probably remembers, where the priority on the Federal level was an emphasis on grants to students. In fact, as recently as a decade or two ago, the ratio was roughly 80 percent grants to 20 percent loans that the students were asked to do. That has been inversed now, and it is just the reverse, where 80 percent of the reliance is on loans and only 20 percent in the grant program.

I think we need to do more in the grant area in order to alleviate this financial burden on students and their families. Unfortunately, Governor Bush disagrees with that. In fact, when a reporter up in Eau Claire asked him specifically where he was on loans versus grants, his response, well, the headline I think says it all, ''Bush Averse to More College Grant Funding.''

During the question period, it was quite illuminating where he stands on this issue. The reporter in the article

wrote, ''Governor Bush, who attended both Yale and Harvard, conceded that some people have complained that those loans carry a repayment burden.'' His response: ''Too bad. That's what a loan is.'' Then he went on to say, ''There is a lot of money available for students and families who are willing to just go out and look for it.''

I get the feeling that there is a serious disconnect between the reality of having to finance higher education opportunities and how he perceives the issue right now.

Just recently I had a group of students from back home who were in my office, and they delivered basically debt scorecards of what their own individual debt was going to be like once they finish school. On the average, at least in the Third Congressional District, the average debt burden was over $16,000 by the time they got done with school. It is an incredible burden.

I think we should be moving in the direction of being able to alleviate that, and opening up the doors to higher education to more students, and especially the more disadvantaged low-income students. But obviously, Governor Bush sees a different tack to take, one which will, I feel, exacerbate the situation and make it more difficult for students to go on, rather than easier for them to go on.

We just cannot afford to leave students behind, especially when we have a tight labor market right now. We have a shortage of well-educated, skilled workers to fill the growth needs of many, many, many companies out there. I think this, too, is going to be a distinct difference when it comes to education policy between what Governor Bush envisions what is needed versus where Vice President GORE is.

Mr. ETHERIDGE. When the gentleman is talking about young people, I think that is interesting. Sometimes if we ask them, it is amazing what we find out.

This past weekend, and I try to keep in touch with them, as the gentleman does in his district, I convened what I call my District Youth Advisory Committee. Really, we brought them together to deal with this issue of youth violence, similar to the conference we convened here, and I convened one at home.

We wanted to discuss a number of issues that were reported in the Second Congressional District of North Carolina, and hopefully that was somewhat representative of North Carolina.

We had a great meeting, of course. When we get young people together, if Members really want to be energized, they will give us an awful lot of energy. They have a lot of it, and they are very bright. They were engaged on the issues. The sessions were very informative.

We sort of gave them some room. They went in some directions and some places where, I guess I was not surprised, having worked with them for 8 years as superintendent, but it was good to be reminded.

The students said, ''We need more counselors in our schools. The counselors we have are tied up doing other things, and with testing and with paperwork. When we have a problem, we need someone to go talk with in confidence. Our teachers are overloaded because of class sizes. The classes are too large,'' because lots of young people come to school with more problems than they did years ago. They recognize the need for more support from their communities.

They talked about teacher qualifications. They said, we want qualified, devoted teachers in the classroom, people who really care about us; the same thing we want as adults. A strange thing, we think students want something different.

They want people who care about them, and they realized one thing, that resources translate into money. We as adults sort of skirt around money. They said, that translates into money. It was amazing to me, the things they were able to talk about saving that we as adults talk about spending in school. They really said, we ought to save those.

One of the interesting things they came up with, I am almost embarrassed to bring it up, somebody might rap my knuckles because I was involved in doing it, was name badges. When I asked all the students, and we had 85 or 90 of them, I said, raise your hand, how many have name tags? Many. Now, how many of you wear them? Three raised their hands. I hope their administrators are not listening.

And then I said, why do you not wear them? They said, nobody checks, so they figured out that was not an important issue with adults. They said, why do we not take that money and buy textbooks?

I think we as adults, if we listen to our young people more often, we will learn a great deal. The diversity of this group that we had, they came from some of the poorer communities in the district. We met in one of the most modern high-tech high schools in North Carolina, with Internet hook-ups in every classroom. It was remarkable. Some of those students' eyes were just sort of marveling. They went into the media center and saw all the things they had that they did not have.

But all of them, every student that was there, whether they were from a large, modern high school or a rural, poor school, said, we want reduced class sizes. And these were high school students, not elementary students.

We here in Congress are talking about how do we help reduce class sizes, and the President's initiative is to reduce class sizes in K through 3, for obvious reasons. You will have more student time, you will have reading comprehension, and have children prepared by the third grade. If children are behind by the third grade, they are likely to stay behind.

That is why, as the gentleman well knows, I started a Congressional Reading Program in my district. If a child reads 100 books they get a certificate and some other stuff. It is amazing.

Mr. KIND. Mr. Speaker, if the gentleman would yield for a point, another thing class size reduction brings is the interest level of the students in the classroom. One of the great challenges, again when we talk to parents or teachers or administrators, one of the great challenges we face in the education system is challenging the students enough in order to avoid boredom in the classroom.

Through lower class sizes, more additional attention, more individual participation of the students, many times that helps overcome that boredom factor that can really stifle the learning process for these kids.

The other thing, too, and it is interesting, in studies coming back now, that also helps in battling the evil of boredom for students is the technology and the Internet, and using these powerful new learning devices that they have available. Students now are responding, saying, this is cool. This is neat stuff. We like using it. We like learning on it.

To me, that is a sure signal, then, that we should step back and listen to what they are saying, because they get it, they like it, they understand it. One of the unfortunate facts we have in the country is oftentimes the students are way ahead of the curve when it comes to the use and comfort level of the technology than the rest of us really need to be.

But the more we can do to encourage an active and energized, engaged student body in the classroom, we should sit up and take notice of that.

Mr. ETHERIDGE. Mr. Speaker, one of the issues these students have, and remember, we are talking about high school students 9 through 12, technology was a big concern. What they were talking about is not just the number of computers in the classroom. Their point was, they wanted the teachers to have the time to get up to speed on the computers, and be able to integrate that in the curriculum.

On Saturday of this past week, we went into a boys and girls club in a YMCA that does computer training and tutoring after school in the evenings and even on Saturday, for that matter.

□ 1845

I must confess, these computers have come out since I left 4 years ago. They had little computers for little tots in kindergarten where they would get at a bench, and they were telling me that in this boys and girls club as they put these children in front of these computers, they were like beginning computers, not big ones that we see but similar to the stuff they play games on, but they were math, helped them in the math, helped them in their composition. I asked them, I said now how many students will be here? They had a bench and they said there will be three on the bench trying to help the

one using the computer and you will see others standing around wanting to help.

The point of the gentleman was they are engaged in it. He said as soon as they get off the bus in the afternoon, they are there. This is a learning experience.

Mr. KIND. That is right.

Mr. ETHERIDGE. It is important because what the gentleman is talking about in these two areas, the boys and girls club in Raleigh and the YMCA, they are doing a tutorial for a lot of children who have special needs. What this will mean 5, 6 years from now, these students most likely will be in the mainstream, they will make it and be productive citizens in the future and make major contributions. The truth is, they did not get an early start.

North Carolina, and the gentleman was talking about in his State, the governor had kicked off a smart start for pre-school to get kids ready, but these are the kind of things we do.

Mr. KIND. I think we are entering this phenomenal new era when it comes to teaching and learning in our country and it is because of the advent of technology and the availability of technology. Of course, one of the great concerns that we share is the growing digital divide that exists between the haves and have-nots, those who have access to the technology and those who do not. We are talking about, by and large, large inner city schools that are pulling up a little short when it comes to the resources of getting the technology there, a lot of rural areas as well. We need to think creatively on how to overcome that. Because of this exciting new innovation, it is not something that we should be fearful of but rather embrace and try to encourage.

I guess I am speaking a little bit from personal experience as a father of two little boys at home, Johnny who is going to be 4 the end of August and Matthew who is going to be 2 in May, and it is amazing watching how they are absorbing and learning information, which is completely different from when we were toddlers growing up in that. Johnny, for instance, will hop on the computer and do his blues clues program or Sesame Street program and learn the numbers and the alphabet and the shapes and sizes and colors and a lot of the different math programs that they have available, and Matthew will, the 2-year-old, will pull up a chair next to him and see what his older brother is up to. It is kind of fun watching this, and one can just see the wheels turning and they are comfortable with it and they are using that as a learning device.

One of the great fears I have as a member of the Committee on Education and the Workforce is that we may be a little bit slow in realizing the power of this potential that exists out there. We may not be thinking creatively enough or encouraging that type of activity enough in the classroom and doing everything we can to make sure that they have access to this technology but also have the well trained and qualified teachers who are comfortable in using this technology in the classroom as well, because, shoot, that is the future. It is coming. It is here already and we cannot afford to be asleep at the wheel and we need to encourage this type of activity with our kids.

Mr. ETHERIDGE. The gentleman is absolutely correct. When we start talking about children, it becomes very personal, as it should. With our three, they are fortunate. I wish all children had the opportunity to have those resources. Two of our children are engaged in public education. Our son is a fourth grade teacher in Wake County and listening to him talk about what happens in the classroom and this learning experience and how children need this help, and our daughter taught high school and is now back at the university. My wife is still in the public schools.

Even though I left the superintendent's office, I did not get away from it. I get a dose of it every weekend I go home, but it is so important that we reach out and give children every opportunity.

I happen to believe, as the gentleman does, if we have a good, clean environment for our children to go to school, we reduce those class sizes, we have the space that children need to go to school, then this whole issue that we are dealing with on school violence will go down, the temperature will go down tremendously. I really believe that.

If one goes into a school that they have excess capacity, as I started talking earlier, even if it is a new school and it is a beautiful building outside but they have 30, 40 percent more students than the cafeteria is supposed to have and the bathrooms are supposed to have, the media says they are supposed to have, they start changing classes and when young people go down those halls someone is going to bump into someone and someone is having a bad day and they are going to react to it, as do adults.

So I think there is something we can do and we have a chance to do something about that this year. We ought to be ashamed of ourselves if we adjourn and go home, be more than ashamed, we ought to be held accountable because we have a chance to pass a school construction bill in this Congress to provide resources to the States and to those local schools to renovate and repair worn out buildings that have, in some cases, have leaking roofs, that are not wired to take care of the computers and the technologies that other students have and in some cases those systems that do not have the resources to take care of adding the facilities to make sure we have a good place for teachers to teach.

I always remind folks that of the years I was superintendent and I went into a modern business, there was one thing I found on every desk of every modern business and this was a computer. When I went into schools, that was not necessarily true. When I went to see a teacher in the classroom, the best thing they could hope for in some cases was a computer lab down the hall, where they took their children to once a week.

I ask folks if they had an automobile and they only drove that car once a week, how good a driver are they going to be, especially when they went there once a week and they only got so many minutes to drive that vehicle? I do not need an answer for that. I know the answer.

We have within our power the ability to change that, and the Members of this Congress cannot do it all but we can do that little small part that says we are important.

Mr. KIND. I commend the gentleman, too, for the leadership and effort he has put in behind the school construction bill. It is something we can act on in this session before we adjourn this year. It is a tax credit on local bond issues for school construction costs and modernization costs. I never thought that on the Federal level we could have in whatever way some impact on local property tax burdens but it is a fact that throughout the country in many regions it is reliance on local property taxes that help finance these school costs and education costs, and it is something that it is very, very important.

Just to bring it back home again for me, I represent an urban, slash, rural district in western Wisconsin. Hopefully the rest of the nation is awake in realizing that there is a crisis in rural America right now; farmers going out of business in droves, three to four family farms a day in the State of Wisconsin alone. Because of the low commodity prices, their cash flow is severely pinched and hindered and it is making it virtually impossible to pass local school referendums in rural parts of the district, not because the farmers are adverse to education or the need for education investment but they are just trying to survive and keep the family farm going and being able to provide for their family. So this is another area where we can, as a Congress, come together, do the right thing, provide some assistance with these tax credits to local school districts so they can meet the all-important school construction and modernization needs that they have back home. I certainly hope that we are able to accomplish that.

So, again, I thank my friend for letting me participate here tonight. I commend him for everything that he does in the area of education for this body and for the people back home.

Mr. ETHERIDGE. To my friend, the gentleman from Wisconsin (Mr. KIND), before we close out let us hit one more point. I think it is important to this Congress. I hope we will address it and

hopefully get a chance in the Committee on Education and the Workforce, and that is this issue on character education. I talked about it as I opened how much it counts as it moves into the 21st Century. As we talk about our children, we know these items are important: Respect, citizenship, justice and fairness, honesty, caring, responsibility and trustworthiness. These are things we can agree on as we talk about this whole issue of school violence, because we want our children to be safe and we need to take aggressive action I think as parents so that they will know that every school in America is a safe haven for our children. That should happen; that they are in good order, and discipline is there so it creates a good learning environment, where young minds can flourish and young souls can be nourished. We can do that. We really can if we work together and reach out and make a difference.

I think character education is one of those components that the gentleman has been working with us on to make a difference and Secretary Riley now has endorsed it, and what this new bill will do is give the Secretary additional discretion to make grants to States and to individual schools if they want to participate, to implement a program after they have worked with the total community. I think it is important for that total community to be involved and be a part of it, and that is why I introduced this bill this year, H.R. 3681, called Character Counts in the 21st Century, and many of my colleagues and the gentleman and others are cosponsors on that legislation for which I thank the gentleman, but I think if we will do that we can help parents, teachers and community leaders not just to implement character education. That is just one of the components to making education more comprehensive and make our communities safer and so that our teachers can teach and children can learn and certainly that is what the gentleman has been about as he has served and provided leadership on education in this Congress, and I thank him for it.

Mr. KIND. In conclusion, obviously there is a lot of work that still needs to be done but I think we can accomplish these goals in a fiscally responsible manner at the same time. There is a role, I believe, for Congress to perform. Sometimes we get into this old stale debate as far as what the proper role is of Federal, State, local authorities. I think what we need to instead concentrate on is what are the desired objectives and then how do we in working together in leveraging the resources we have available at the local, State and Federal level, of attaining that objective and getting the job done? Because our kids deserve nothing less. It is the future of the country we are talking about. If we are able to maintain economic growth and economic opportunities in this country, it starts with a healthy and an honest investment in the education area. Part of that includes the character education that the gentleman has been advocating. So there is an important role here and it is something that we should be able to move forward on, I feel, too, in a bipartisan manner rather than these oftentimes silly partisan debates that we have on education issues.

So, again, I thank the gentleman for his comments tonight and for the work that he has provided and the leadership that he has offered to this Congress.

Mr. ETHERIDGE. I thank the gentleman for his time and for his efforts and for his leadership, because he has worked hard to make sure education works and he has taken on the tough issues at the right time for the right reason for the right people who do not have a voice many times.

I say this about children so many times. They do not vote but if they did it would be a different world, and I think they would make a difference.

As we talk about character education, I happen to believe it does work because it recognizes that actions do have consequences and helps young people develop into well-rounded individuals who will, given the right direction, contribute to the strengthening of our social fabric in this country. That is so important as we move into the 21st Century. They are our future.

As Benjamin Franklin said, many years ago, nothing is more important for the public wealth than to form and train youth in wisdom and virtue, and only a virtuous people are capable of freedom. That was true over 200 years ago. It is still true as we move into the 21st Century. We have an opportunity this year, with resources at the Federal level, to invest that money in our seniors in making sure Social Security is safe and secure, taking care of Medicare, paying down the debt, and investing a portion of that money in our children for the 21st Century so those of us when we retire will be secure. That means character education, buildings where children can be safe and secure and have a comfortable place to learn and teachers have a good place to teach, and investing the resources in making sure that they have technology and our teachers are well trained in an ongoing basis to teach our children.

□ 1900

DISCUSSING THE ISSUE OF ILLEGAL NARCOTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICA. Mr. Speaker, and my colleagues, once again, on Tuesday night I come before the House of Representatives and my colleagues to discuss the issue of illegal narcotics and helping to develop our national policy to bring under control what I consider the most serious social problem facing our Nation and the Members of Congress today.

Tonight I am going to talk a little bit about the problem, again, that we face as a Nation and as a Congress relating to illegal narcotics. I want to spend some time tonight talking about the debate that took place for 2 days last week on the floor of the House of Representatives which has consumed much of the time of the Congress in the past several weeks relating to, in particular, an emergency supplemental appropriations to provide some assistance in the war on drugs and, particularly, assistance to the country of Colombia and their effort to combat illegal narcotics.

Mr. Speaker, tonight I also would like to correct some of the misstatements that were made in that debate. I have gone through some of the RECORD, and I think that it is important for the future RECORD of the House that the facts and statistics and the history of this debate about how we deal with the problem of illegal narcotics is, in fact, documented. Those will be a couple topics of conversation.

In particular, I will focus on Colombia. I will also talk, hopefully, if we get time, about Mexico and the administration's policy towards Mexico as it is now developing in the post-certification process; but, indeed, there is no more serious problem facing our Nation.

The last statistics I have as chairman of the Subcommittee of the Criminal Justice, Drug Policy and Human Resources of the House of Representatives is that in 1998, 15,973 Americans lost their lives as a direct result of illegal narcotics. It is estimated by our national drug czar, Barry McCaffrey, that, in fact, over 50,000 Americans each year lose their lives for various reasons that are related to illegal narcotics, and some of these are not counted in the statistics, the hard statistics.

In that 15,973 figure, there are individuals who we read about. Again, I point to the news of the last month or so with a 6-year-old child going into a classroom in Flint, Michigan, killing a 6-year-old with a gun. Everyone has focused in the media and the Congress and the administration on the issue of more regulation and legislation dealing with gun control; but, in fact, the article that I have here says that the child came from what is quoted as a dangerous environment, the police have said that the residence was used for drug dealing; the father was in jail.

Mr. Speaker, here is an instance in which they focused on the handgun that was taken to school and used in this murder and failed to focus on the core problem, again, illegal narcotics in this home, if you would call it a home, in this setting, this young 6-year-old was forced to deal with, where he lived in a crack house, where his father was in jail. The topics that, again, the media, the Congress, the administration does not really want to talk

about. We also know this problem, and we know it too well.

Another example, and this is Lisbon, Ohio, I am sure a nice community, in the center heart of our Nation, a 12-year-old student brought a gun to school, the boy and everyone focused on this 12-year-old bringing the gun to school just recently; but the boy said, according to this news account, his biological mother was in jail, and he wanted to visit her and be with her, said the young man.

Authorities did not release the information on the mother's situation, but the Akron Beacon Journal said she was in prison on drug-related charges. Again, the focus on a young individual bringing a weapon into school, but the sad part about this story and so many others that we hear that illegal narcotics were at the root of the problem.

Here, the mother was in jail, a young 12-year-old wanted to be with his mother who was in jail, because of a drug-related offense. This is a serious situation, which has, again, impacted our country dramatically. The cost that we heard in some of the debate last week and some of the figures estimate from $150 billion a year to $250 billion a year, if we take into account the death, the destruction, the unemployment, the costs on our judicial system, the tremendous toll that this takes on our Nation and the very social fabric of our society.

So we have an annual cost, not only in lost lives, but in dollars and cents to this Nation and to our economy. It is absolutely astounding to see where we have gone in the war on drugs. And I will talk a little bit more about the death of the war on drugs and how I believe it was sabotaged by this administration in 1993; but the effects are very far-reaching.

In 1998, there were 542,540 drug-related emergency room episodes again in that year. This also is somewhat misleading, because many of these drug overdoses never make it to the emergency room. And as I said, there are 15,973 deaths. Those individuals died and some of them are not counted in these statistics. The toll of illegal narcotics to our Nation, again, goes on and on. Illegal drug users constituted 18.2 percent of the unemployed in 1998. It was up from 13.8 percent in 1997.

In 1999, Americans spent $63.2 billion on illegal drugs. So the impact on our society is well documented, and that is not what I came here to debate or discuss tonight. It is a matter of record.

What I wanted to talk about is really part of the debate that took place last week on the floor of the House of Representatives. What does this Congress, what does this House of Representatives do to deal with the narcotics problem that is mushrooming out of control across our land?

First of all, I think it is incumbent on every Member to ask a simple question: Where are the illegal drugs coming from? What is the base of the problem? Where are these narcotics coming from? If we take two of the most abused drugs in our Nation today that have caused so much devastation, heroin and cocaine, we have only to look now at really one major producing country in this hemisphere; and that is the country of Colombia.

We have made tremendous progress in a program that was instituted by the Republican majority just several years ago by the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, when he chaired the subcommittee that I now chair.

That particular responsibility led him to begin a program and build on a program that was formulated again after the new Republican majority to go after illegal narcotics at their very source.

The source is not very difficult when it comes to cocaine. It is three countries. It is Peru, Bolivia, and Colombia. Peru and Bolivia were producing 95 percent of the cocaine in 1992, 1993. Again in 1996, 1997, under the Republican-controlled Congress, programs were reinstituted that were cut by the Clinton administration in those early Clinton years to eradicate illegal narcotics in the countries of Peru, Bolivia, and Colombia.

I must report that, as of this year, we have been successful, particularly in Peru, with a 66 percent decline in coca production in that country and a 55 percent decline in Bolivia. Most of the production has shifted to Colombia.

So today Colombia now accounts for nearly 90 percent of the cocaine that is entering the United States. That is factual, and that is documented. That was brought out by many in the debate last week. So we know that Colombia is the major source of cocaine coming into the United States. We also know that Colombia is now the major source of heroin.

Back in 1992, 1993, there was almost zero heroin produced in Colombia. Almost no heroin came into the United States, almost no poppy production and heroin production in Colombia.

In the past 6 or 7 years, through the direct policy of this administration, Colombia has turned into now, not only the major cocaine and coca producer, but also the major heroin producer. This was not easy, but they managed to do it; and it was through a number of very specific steps that were taken. I want to outline a couple of those here.

First of all, in 1993, 1994, the administration made some of their first blunders. The blunders that they made actually were not mentioned in the debate that took place last week.

Some of the major blunders were a complete shift in policy. The shift in policy was to stop the source-country programs and to stop the eradication programs and to stop the interdiction programs, take the military out of the surveillance business, which provided intelligence and information to stop drugs at their source, stop the Coast Guard, cut their budget, and also to again cut any type of international programs or interdiction programs that had been established back in the Reagan and the Bush administration. That was the policy. They, again, put their eggs in the basket of treatment back then.

I will bring this chart out tonight to show what their policy has been. In fact, if we go back to 1992, in this area, in 1991, and we look at treatment, we see that treatment dollars have doubled. Some of the argument that was made in the debate was that treatment would be much more effective.

I went back and pulled a record, since I have served since 1993 on most of these subcommittees that deal with this issue, and was appalled and spoke out against what the administration was doing back in 1993, and pulled up some of the rhetoric that came before the National Security Subcommittee on which I served that formerly had this responsibility.

Let me just read a little bit of what was said in 1995:

> Moreover, while the subcommittee heard expert testimony in support of drug treatment, it also received expert testimony severely questioning program effectiveness. Finally, since the public rationale for the Clinton administration shift toward treatment repeatedly came back to the June 1994 Rand study, this study was reviewed and found to be a weak basis for guiding national drug policy.

This last part is an analysis of this.

But in 1995, they used the same study that they used in the year 2000 for the rationale of where we should be putting our dollars.

□ 1915

Accordingly, Lee Brown, who was then Clinton's drug czar, testified that the President was seeking $2.8 billion for treatment, this was in 1995, for the fiscal year 1996 Federal budget, for what Brown said were 1 million drug users in this country who need and can benefit by treatment but cannot get it. Brown testified that the best way to reduce overall demand for drugs and related crime and violence is to reduce the number of hard core drug users, adding that treatment works. This was his testimony to us.

What is interesting is that I took some of the words from the gentlewoman from California (Ms. PELOSI): ''As the distinguished ranking member referred to earlier,'' and she was referring to the gentleman from Wisconsin (Mr. OBEY), who was the ranking member on the other side, when he referred to the Rand report which was put together again back in 1994. The gentlewoman from California (Ms. PELOSI) said, again on March 29, 2000, ''Yes, we have an emergency in our country, Mr. Speaker; 5.5 million, as I said, Americans are in need of substance abuse treatment.''

So we have back here Mr. Brown, President Clinton's drug czar, saying that if he got this money in the budget he proposed back then, the best way to reduce overall demand for drugs and related crime was to spend the money on

treatment, and he testified, ''There are 1 million drug users in this country who need and can benefit from treatment but cannot get it.'' And that policy has gotten us up to 5.5 million Americans, according to the gentlewoman from California (Ms. PELOSI) and others who testified, and the gentleman from Wisconsin (Mr. OBEY) who also testified before the House of Representatives.

So the policy that was advocated by the administration in 1994 and 1995 was followed by the Congress. We have nearly doubled the amount of money in treatment, and we have nearly five times the number of people needing treatment.

Now, what did they do that was different from the Bush and the Reagan administration? Let me just pull up this chart that I have used before. This is really the most telling chart about long-term trends in prevalence of drug use, and it shows that during the Reagan administration years a steady decline in drug use and abuse and all the way down here to 1992. This is where they changed the policy. We went up that treatment ladder, we cut source country programs, we slashed interdiction programs, we took the military, the Coast Guard out of the war on drugs, and we put our eggs in the treatment basket recommended here in 1995. And it was recommended here again in an unending debate on treatment for nearly 2 days where we heard the comments of the other side.

In the Clinton administration what took off like a rocket was drug use and abuse. It took off in every category. It is amazing how the people on the other side are in such denial. And this drives the liberals crazy, to look at this chart. Again, I did not produce these charts. They were produced by the scientific community and somebody monitoring the future. They are by the University of Michigan. Again, we look at the Reagan administration. And this is in one category, cocaine. We see what was happening here.

The Reagan administration, at the beginning, was hit with cocaine coming into the country. They took steps and they started the Andean strategy, the source eradication, the vice president's task force, and we see a dramatic reduction in cocaine use. There was less cocaine coming into the country. Less tolerated.

Then we get into the Bush era, and we see a dramatic increase. Again, he was vice president. As president, he did an incredible job in also curtailing the production of cocaine. And we see a beginning of a leveling off and then a takeoff in the Clinton administration.

This, again, is the policy that has been rejected by the other side, going after drugs at their source and stopping the flow. What we have right now is an incredible flow because this administration has, in fact, taken every step to make certain that any aid in any form to Colombia does not get there, or has not been able to get there, because of their direct policy.

These are a couple of charts and, again, if we look at what we did here with the Bush administration, this is Federal spending in international programs. That is stopping drugs at their source. This is how money was expended by the Congress for stopping drugs at their source. Dramatic cut when the other side took control, putting the money in treatment. And we can take this chart back up here, which is our treatment chart. We go up in treatment, continue to go up in treatment. We cut the international programs and, voila, what do we get? More and more drugs flooding into the country.

That is why the statement by the gentlewoman from California (Ms. PELOSI) that we have now 5.5 million Americans that need treatment conflicts with just a few years before when the administration said that we only had 1.1 that were in need of treatment and they were requesting money for that and cutting money in this.

Now, we do see, with the advent of the Republican majority, efforts to get our international programs back to the level of 1991–92. If we look at this chart, the 1991–92 levels, to get back to those dollars, we have to get to this level. So we are barely back at 1991–92 levels.

The problem we have had is that we know where the illegal narcotics are being produced. I went over this with my colleagues before. They are produced now, heroin and cocaine, in one place. Two drugs in one place. They have managed to actually narrow it down to Colombia. So that is why we are here and that is why the situation has spiraled out of control. That is why that region is now in total disruption. That is why 35,000 Colombians have died in that area. And that war that has been going on there is now financed, according to the administration's own drug czar, by narcoterrorism. They fund the violence by drug profits. Very simple.

So we know, one, that the drugs are produced there, heroin and cocaine; 80, 90 percent coming into the United States. We know this policy did not work. We know that we can, first of all, wipe out illegal narcotics at their source, and we have effectively done that. We have two great examples, Peru and Bolivia, their next door neighbors. Cocaine cannot be grown all over the place, poppy cannot be grown all over the place. Coca is a little more difficult than poppies. But we do know where it is coming from, and we know that it is financing the disruption in that region and violence to those people.

Unlike the other part of the supplemental that we were funding here at some $4 plus billion, and we have probably spent another $10 billion on, in Kosovo and Bosnia, and some of these other missions, not one American life has been lost. There has been civil conflict; there has been civil war by all kinds of factions when we stepped in. But there is a slaughter on the streets of America and yet there is a reluctance to step in.

The other side again focused for nearly 2 days of debate on treatment; we have to spend more money on treatment. And they based it all on this failed study of 1994 that Lee Brown, the former drug czar, based his request on; how he would clear that up if we just increased the money in drug treatment programs. I say to my colleagues that by the time we get to treatment, we have a very, very serious problem.

Talk to anyone involved in law enforcement. Talk to anyone involved in drug treatment programs. First of all, treatment indicates addiction. And when someone is addicted to illegal narcotics, they have had a drug habit. A drug habit results in that individual supplying a habit at a cost of anywhere from $100 to $500 a day. We have heard even higher figures from some of the addicts that we have interviewed. That means they are already committing felonies and misdemeanors and serious crimes, sometimes under the influence of these hard narcotics, committing serious crimes not only against the public but against their families. Almost all the cases of child abuse, almost all the cases of spousal abuse involve substance abuse in this country.

So, again, they put all their eggs in the basket of treatment. They cut the international programs, the programs for interdiction using the military. And, again, and we must make it very clear, some of my colleagues I do not think even understood this, our military is not a police force. Our military does not get involved in a police action. In fact, that is banned by the Constitution. Our military does not arrest anyone in the drug war. What our military does is it uses surveillance. We are continually flying planes and using resources to protect our borders against incoming potential threats.

Now, I submit there is no threat greater than a lob of illegal narcotics that has killed 15,973 in 1998 and over 50,000 each year in our country in drug-related deaths. Is there anything that is killing more Americans that is coming in from a foreign source? I submit that there is not.

So the mission of our military is to provide surveillance intelligence information, and that information is going to other countries. It is also going to some of our enforcement people to keep track of people who are dealing with deadly substances which are poised against the United States, against our families, against our children, and killing our people in unprecedented numbers. There are wars, major wars, that this Nation has fought that we have not had the casualties of this war on drugs.

Again, the other side says, well, we should only be spending money on treatment; only treat the people that are wounded; only treat the people who have been victimized; only treat the people who have been the victims and wounded by that incoming foreign substance. If it was a missile, they would

speak quite differently. They would go after the target. They would want to destroy the target.

□ 1930

It does not take a complicated plan to go after the target. We know where the illegal narcotics are. They will tell us it does not work. Well, it worked in Peru. It worked in Bolivia. They will say there is so much violence in Colombia that it will not work in Colombia.

I submit, any of these Members should go back and look. Because in 1990, 1991, I flew into Lima, Peru. In Lima, Peru, I flew in and the airport was sandbagged. The military was on every street. There was gunfire at night. We could not walk through the streets. The buildings were boarded up. The Indian peasant population was sleeping in the parks.

The Shining Path, as ominous a force as the FARC ever was, was slaughtering people. And there were right-wing bands also returning the slaughter on the other side roaming through the towns and villages of Peru in a slaughter across that land. So do not tell me that we cannot bring this violence under control.

Then they get into the argument, well, 75 percent of the paramilitary killed civilians in this, and the other side says 52 percent of the deaths were caused by the FARC Marxist guerrillas.

Well, I do not care if they are paramilitary, and I do not care if they are Marxist guerrillas. They are slaughtering people. They are using the proceeds from their conflict to slaughter our families here.

So that is why interdiction is so important. That is why part of our package deals with interdiction in trying to, again, bring under control some of the illegal narcotics as they leave the source and come out of the source country, the most cost-effective way we can go after these illegal narcotics. And we do not have to use one American service man or woman or put anyone at risk in this process that is providing some of the information.

What is sad is that this administration just does not learn. They shut down information going to Colombia back in 1994. And, of course, the Republicans were outraged. In 1994, we were in the minority; we could not do a whole lot. But my colleague, the gentleman from California (Mr. HORN), and I pulled this quote up from 1994. It said, ''As you recall, as of May 1, 1994, the Department of Defense decided unilaterally to stop sharing real-time intelligence regarding aerial traffic in drugs with Colombia and Peru. Now, as I understand it, that decision, which has not been completely dissolved, has thrown diplomatic relations with the host countries into chaos.''

That is the gentleman from California (Mr. HORN) in 1994, my colleague. We served on the committee together.

Now, we would think that they would learn. And we were able to change this after we got support from the other side of the aisle. And even the Democrats were appalled. I brought this up before from the Washington Post: ''U.S. Refusal to Share Intelligence in Drug War Is Called Absurd.''

This is the next direct step in the Clinton liberal administration towards illegal narcotics. Back in 1994, they got us in a situation where, in 2000, we are debating on the floor of the House of Representatives a billion-plus, a billion-and-a-half-plus package to bring under control the situation with illegal narcotics coming out of Colombia. These are the series of mistakes.

This is Thursday August 4, 1994. It says, ''Chairman of the two House subcommittees again blasted the Clinton administration yesterday for its continuing refusal to resume intelligence sharing data with Colombia and Peru.''

Now, we would think they would have learned by the mistakes that they made. Even members of their own party in 1994 chastised them for this horrible mistake in not providing information so that they could go after drug traffickers. But, now, these people do not learn.

This is an incredible story that just appeared a week or two ago; and in it was a report according to Claudio de la Puente, who is the charge d'affaires at the Embassy of Peru. This particular attache said, cocaine trafficking has increased due to new air trafficking routes, increased land and maritime transportation; and he said that, in 1999, there was again reduced surveillance which the United States of America, which, again, the repeated requests for assistance, repeated requests for surveillance data and information to that country have not been provided by the United States and, in fact, they are now seeing a recent increase in production of coca cultivation in Peru.

Here we have had in place a program that works. We provide information to Peru. Peru has taken action and swift action and, in fact, shooting some of the planes, drug traffickers, after numerous warnings, out of the sky. We had a 66 percent reduction in the last 4 years. We intercepted 91 aircraft involved in drug trafficking between 1992 and 1997.

And unfortunately, it says, since 1998, the Peruvian Air Force has not been able to continue its interdiction operations because of lack of U.S. monitoring provided by U.S. AWACS and other surveillance planes.

Unfortunately, the administration, starting with the Vice President, who took some of the AWACS out of the South American drug trafficking pattern and put them to check on oil spills and the President moved some of these assets to Kosovo to deal with one of his many deployments there. In the meantime, cocaine production and trafficking is up. We would think that we would learn from 1994.

Then the latest news is, and this is March 22, I believe, last week, prices of cocaine and heroin have fallen to record lows. When we have an increased supply and nothing stopping the supply, prices fall down. Easy economics. This was predicted not only by those in the Congress some years ago but those who are charged with overseeing policy for the United States in that country.

I have a report that was provided to me just a few months ago, December of 1999, asking about what United States military assets are used on the war on drugs. The report was prepared by the General Accounting Office. It says, ''Assets DoD contributes to reducing illegal drug supply have declined.'' Then it goes on to document that decline.

And oddly, on page 17, it has a statement from the United States ambassador to Peru. Our ambassador to Peru warned in an October 1998 letter to the State Department that the reduction in air support could have a serious impact on the price of coca.

Well, surprise, President Clinton. Surprise, administration officials: cocaine and heroin prices fall.

The other reason that we have had heroin prices fall is because the United States gave up its forward operating location, which was really the center of our entire antinarcotics effort for the whole Caribbean and South America at Howard Air Force Base.

They knew this was going to happen. We held hearings. We went down. We asked them to make certain there were in place some type of agreement either with Panama to continue drug forward surveillance operations or relocate those activities.

Unfortunately, they failed in the negotiation. They failed to keep even the presence of our antidrug monitoring activities in Panama. We were completely kicked out last May 1. And to date, and soon we will be approaching the first-year anniversary, we still do not have in place even a fraction of the capability to detect illegal narcotics coming from their source and go after them.

We have friends and allies who will go after them. Peru will go after them. Their charge d'affaires cites that they shot down 91 planes until 1998. Their own ambassador tells them a disaster is heading our way. And they pay no attention to it.

Instead, they drag up this trivia that again that treatment is the answer, the more we spend on treatment. And again we go back to the statements of Lee Brown, our drug czar, in 1994, 1995: give us more in drug treatment. We will treat those 1.1 million untreated individuals, to the statement made to the gentlewoman from California (Ms. PELOSI) last week on the floor of the House of Representatives, we will treat those people who are drug addicted, all 5.5 million we are up to now, as the drugs come in unabated to the United States and the policy of the administration, the mistakes that they made in 1994 getting us into this mess, they are repeating again today, and the supply of illegal narcotics is coming into the United States.

We also had in this report that I cited, I requested an assessment of our narcotics effort with the military; and they will tell us that there has been a war on drugs. In fact, there has been no war on drugs. How can we possibly have a war on drugs when we take the assets out from the war?

This report again provided to me about the assets that were used in the war on drugs, again, I did not prepare it, the GAO prepared it just a few months ago, says that flying hours dedicated to tracking suspect shipments in transit to the United States declined from 46,264 to 14,770, or 68 percent from fiscal years 1992 to 1999.

Let us see if we can find our chart here again. This is what they did to us. From 1992 to 1999, a 68 percent decline of our assets in tracking suspected drug shipments. Look at what has happened here, a dramatic increase in drugs coming into the country.

So as they have closed down the war on drugs, now, it would not be bad enough if we just took out our military efforts to do surveillance from the air. This report also detailed to me the ship days devoted to supporting interdiction of suspected maritime illegal drug shipments declined 62 percent from 1992 to 1999.

Now, they wanted to make sure, if we closed down the war on drugs, we closed down completely, well, not completely, 68 percent as far as flight time, 62 percent as far as maritime efforts. Again, they did not talk about this last week. They talked about how the war on drugs is a failure.

I submit, my colleagues, the war on drugs is not a failure. The war on drugs was sabotaged. The war on drugs was closed down. This report unquestionably documents it.

The situation got so bad and out of hand that they have had to do something. But it was a series of very calculated moves. First, seizing the exchange of intelligence and surveillance information, and they are repeating that again. Then decertifying Colombia without a national-interest waiver. They decertified Colombia.

□ 1945

By not granting a national interest waiver which they can do under the law, they really banned all assistance going to Colombia for 1996, 1997. Almost all of the aid that we have requested, and we have had repeated requests from 1995, 1996 to get aid, helicopters in particular because of the high altitude cultivation of the crop and also access to the remote areas where the narcoterrorists are plying their trade. Simple equipment requests. We even passed more than a year and a half ago an appropriation of $300 million to get assistance there.

What is funny is some of the reporters and others who report on this $300 million, Colombia is now the third largest recipient of U.S. aid. First of all, that aid has barely gotten there even at the beginning of this year, less than half of the $300 million, and most of that was in three or four helicopters, Blackhawk helicopters and several other pieces of equipment we promised 3, 4 years ago. That equipment in almost comical fashion was delivered to the Colombians without the proper armoring so it could not be used, the ammunition was delivered to the loading dock of the State Department in again a farcical move.

The equipment that we have requested, the appropriations that we have made, have been blocked from getting to Colombia. Many of those liberals on the other side of the aisle have blocked that aid and equipment. They do not want the hair on the back of one liberal Marxist leftist guerilla harmed under any circumstances. They can slaughter 32 percent or 55 percent or whatever the percentage is, but that is okay. It is the right-wing paramilitary that we have to be concerned about because they are killing, too.

I do not think we need to be in that debate. I think we need to provide the resources to stop those that are dealing with it, in both the production and transit of illegal narcotics into the United States. So yes, this has created an emergency. They are dying in our streets. People do not want to talk about it. We say treatment is the answer. More gun control legislation. We get those guns under control; we will be in great shape. But do not worry about the narcotics, just treat more people. After we get them addicted, then we can treat them.

Of course they do not tell you that 70 percent of the public treatment programs are a failure. They do not tell you the statistics we heard in Baltimore a few weeks ago that 50 percent of those that are supposed to go to treatment do not even show up for treatment and of the few that end up getting treatment and it is successful, there is still a pretty serious failure rate even with those individuals. But the answer is just more treatment.

Again, treatment assumes that we have already gotten to the point where we have failed with a human being, they become addicted and now they are telling us we have five times the number of addicted people we had when they said treatment was the answer some 5 years ago, and I presented their testimony again today. So time after time this administration and the well-intended liberals and really the saddest part about this was to see some of the minority Members of the House of Representatives here engaged in that debate, just give us more money for treatment for our people, just treat these folks and that is the answer.

They forget that in our Nation's capital we have been killing on average 400 young black African American males a year for the last 10 years. We have just first made a dent in it in the last year or two. That is 4,000 human beings slaughtered. In Baltimore, 300 on average slaughtered in that city. Until Mayor Giuliani took over in New York with his tough enforcement policy, they were killing on average 2,000 people a year. He has gotten that down to the mid-600 range. Look at the heat he has taken for a tough enforcement policy.

But here the liberals in the House and the minorities in the House are saying, just give me more treatment, more treatment money. We get those people treated and everything will be fine. But the deluge of illegal narcotics, and we know where they are coming in from, we know the source they are coming in from is Colombia, no question about it. Yet they are reticent to pass this legislation. Now it may be blocked because the hour is so late.

The submission of this is almost farcical. I asked my staff on the subcommittee to prepare a time line. July 28, 1999, the U.S. drug czar visits Colombia and declares an emergency. We will soon be up to July. The 21st of September, 1999, President Clinton meets with President Pastrana in New York City, endorses Plan Colombia. That is September 21, last fall. The 24th of October, 1999, 10 million Colombians march for peace. January 11, 2000, the White House announces the Colombia aid package. Finally, February 7, a little over a month ago, President Clinton submits the Colombia aid proposal along with his fiscal year 2001 budget.

People are saying, Why now may it be in the cycle, the regular cycle? It is not an emergency because we will only lose another, in the 16,000 range of Americans dying but they die quiet deaths in those little communities and they are buried in some little family plot, it really does not matter. And the other 50,000 drug-related deaths, we can blame it on guns.

Here, this is a great cover. We will pass more gun legislation and that will cover up the problem. And then we will come to Congress and we will ask for more treatment, because we asked for more treatment in 1994 and we told how that was going to solve the problem and we doubled the amount of money in treatment, but we can come here and do that again and that will keep our people sort of in their place.

The saddest part about this is the minorities are dying by the thousands and the percentage in jail are the minorities, the Hispanics and the blacks in this country being slaughtered with this. It is unfortunately also now in the urban centers. The latest reports are it is absolutely ravaging our rural areas.

So this is the policy of the Clinton administration, a failed policy. If I came here and just said that we had stood by and let this happen, I would be as guilty as they. We have put in place some effective programs. We have a multitiered, a multifaceted approach that involves source country eradication, cost effectively, interdiction as it is coming from the source, engaging, using our military for their surveillance.

Prevention. Prevention is a big element. We have passed under Republican leadership one of the largest prevention and education increases in the history of any Congress, and those programs are now under way. And, of course, even under the Republican control of the House since 1995, we have increased treatment some 26 plus percent. That is only the direct funds. There are many other indirect funds. But treatment again is not the only answer.

The other part of this equation, of course, is Mexico. I have been a critic of Mexico because of two things. First, United States policy towards Mexico which is a failed policy has been, is and continues to be a failed policy, and Mexico is also the main trafficking route of that illegal narcotic that is produced in Colombia. In fact, we now know there are relationships of drug traffickers for both of those countries.

What is amazing is that this administration just weeks ago certified Mexico as cooperating in the war on drugs. General Barry McCaffrey went down to Mexico City, I have a report from the news, and he told reporters that Panama in particular faced a full scale assault from narcotics traffickers since last December's handover of the canal. Where were they then? He says, ''They're switching back. There's a lot more now showing up in Haiti, Dominican Republic, Jamaica. Haiti is the problem.''

General McCaffrey said in a briefing in the United States ambassador's residence in Mexico City on last Wednesday night. So he is down in Mexico, and he is saying Haiti is the problem on February 11. On February a few days later, I get the interim report from the drug czar's office, the highlights of the National Drug Threat Assessment for the year 2000, and the executive summary. Let me read some of it. It talks about cocaine.

Chicago has become a major source of cocaine, a hub for Mexican organizations. Then it goes on to heroin. It says, the average size of the heroin shipment is increasing and more Colombian heroin is being smuggled through Mexico. Then it goes on to methamphetamine. Florida has become an eastern hub for Mexican national methamphetamine organizations. Next on methamphetamine threat, it says Mexican organizations are expanding manufacturing and distribution eastward. The next one says the average purity of Mexican methamphetamine, it goes on and talks about that.

It talks about cocaine and crack findings. Mexican and Colombian groups control most of the cocaine transportation to the United States. It goes on and says Mexico remains the primary conduit for cocaine to the United States. The next sentence, there are two primary corridors for movement from South America to the U.S. One is the Mexico-Central American corridor. The next part of the assessment, threat assessment to the U.S. The Mexico-Central American corridor accounted for 55 percent of the detected cocaine shipments for the first half of 1999. Then it goes on, Mexican traffickers generally control wholesale cocaine distribution.

Trends. Now we are up to trends. Mexican and Dominican trafficking groups are assuming a more prominent role in distribution. Trends. The DEA reports that Chicago has become a major distribution hub for Mexican organizations. It goes on.

Heroin. Mexico is one of the four major sources for heroin found in the U.S. Heroin. Heroin production for Mexico in 1998 is estimated at six metric tons. He does not tell you the figures we have gotten is that probably a 20 percent increase in heroin production in Mexico. Nearly all the heroin produced in Mexico is destined for the United States.

Mexican heroin is dominant in the West. Mexican traffickers rely on entrenched polydrug smuggling. Mexican organizations move heroin. Trends. The U.S. through Mexico. Mexican organizations. The average size of heroin shipments originating in Mexico. Projections. Mexican heroin. And then methamphetamine. It ends with Mexican national organizations.

But a few days before, Barry McCaffrey is in Mexico and he said Haiti is the problem, he said in a briefing in the U.S. ambassador's residence in Mexico. This same administration certified Mexico as cooperating. That certification gives them trade, finance, aid, and assistance, U.S. aid and assistance.

Do you know what the response from the administration is and from other groups and Mexicans? We should not have the United States certify whether we are cooperating. That should be given to another party, to a third party, to an international organization. So an international organization would decide whether or not Mexico is eligible to get continued trade, aid, and financial benefits from the United States of America.

Have we gone cuckoo? Here is the report that is given to me on the overall drug problems and trends. Mexico's name time after time, yet this President, this administration certified Mexico as cooperating and fully eligible for all the trade and finance estimates. I could blame this just on the administration, but there are too many others on both sides of the aisle who are willing to turn their back and take a dollar while illegal narcotics are pouring into our country.

The sad part about this, the saddest note about this is Mexico is slowly losing its grip on its national sovereignty. Corruption has turned to violence, and they are slaughtering in Mexico at an unprecedented rate in almost every state which is now controlled from the lowest police officer to the president's office in Mexico with illegal narcotics.

A sad tale but a tale that needs to be told to the Congress and the American people.

SLAVERY IN SUDAN

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes.

Mr. PAYNE. Mr. Speaker, this evening I would like to address the House about a problem that has been around for the last 40 years at least in the country of Sudan, and that is the question of slavery, chattel slavery, out and out selling of men, women, and children in that part of the world.

□ 2000

First of all, let me just say that there are throughout the world problems as they relate to the abuse of children and the practice of slavery. We see it in Nepal, we see it in Burma, we see it in Bangladesh and Mauritania. But there is a tremendously extreme practice. They are all bad, they should all be corrected; but tonight I would like to deal with the country of the Sudan. The Sudan, one of the richest countries in the world with natural resources, but one of the most impoverished countries because of the practice of its government, a government which has been a brutal dictatorship, the al-Bashir government and Turabi, but ever since the independence of Sudan. Actually the first African nation to become independent on the continent back in January of 1956, even prior to its independence, there was a problem between the north and the south and from these many years of struggle, this question of slavery continued on, and today it continues. It is actually a travesty today to think that as we move into the new millennium, we have slavery being practiced in the world.

Mr. Speaker, I have had the opportunity to visit Sudan on a number of occasions. My first visit to Sudan was in 1993 when I visited there with Harry Johnston, a former Member who then chaired the Subcommittee on Africa, and we traveled to the south to the Sudan to explore and to see firsthand this problem. I have been back many times since. We saw the conditions there. In my recent trip just in June of last year with the gentleman from Colorado (Mr. TANCREDO) and Senator BROWNBACK when we traveled to Loki in Kenya, which is a Sudanese refugee camp in Kenya, and then into the south of Sudan to Yei and Labone in southern Sudan to see again the terrible conditions by the NIF-lead government, the National Islamic Front government of al-Bashir and Turabi.

So we thought that we would have a dialogue this evening about this particular situation. I will begin by yielding such time as she may consume to the gentlewoman from the District of Columbia, and then she can yield back to me as I will continue on; and I am sure that she may have some additional comments as we move through almost in a colloquy, but to bring this dastardly situation to the attention of the public of the United States and the

world, because we cannot live in the new millennium and have practices that go back to medieval days.

So at this time I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding. If I may, I would like to begin by acknowledging the work of the gentleman from New Jersey. He is a former chair of the Congressional Black Caucus and a senior member of the Committee on International Relations. He has indicated he has traveled to Sudan on a number of occasions. He has met with former slaves. He has pressed this Congress; he has pressed the administration. I have been bothered for years by slavery around the world. The gentleman has indicated that it is not confined to Sudan, tragically. But I have been, as he has been, particularly drawn to slavery in an African nation. He and I are two of almost 40 Members of this body who are direct descendents of African slaves, so it is perhaps natural that we would be drawn especially to slavery in any part of Africa.

Because I had been so concerned and could think of very little to do, I passed the gentleman in the hall and indicated to him that perhaps he and I might do a Special Order, because I felt so powerless and I felt his leadership and knew that there were many others like him; but that this problem simply had not had the voice that I think it is beginning to get tonight. Our voices represent the entire Congressional Black Caucus, many Members of this House and the Senate, as I shall indicate in a moment.

I should also acknowledge the work of our former colleague here in the House who is now in the Senate, Sam BROWNBACK. I have not spoken to Senator BROWNBACK, but I do know that he has taken slavery, and especially slavery in Sudan, as a cause of his own. He is not of our party, but the gentleman from New Jersey and I cannot imagine that slavery would be a partisan issue, and we are so pleased to see that there has been bipartisanship on this issue. This is, after all, April 4.

April 4 is a somber day for America, because it is the day, of course, that Martin Luther King, Jr., was gunned down. So it is a day that lives in infamy, and it lives in remembrance. I have just come from a radio program where I was speaking to young people who know nothing of that day, but if there is any way to remember that day, it is certainly to remember that slavery still exists in this world, and discrimination and racism still exist in this country.

Mr. Speaker, as we look to Africa in ways that were unheard of, such as the Africa trade bill, we should also look at the forgotten submerged people of Africa who cannot think of trade today, but can only think of being traded person to person. We are, after all, more than 130 years after the 13th amendment to the Constitution was passed, and many of us in this country thought that that was the end of slavery and the last we would hear of it. The fact is that in our own homeland in Africa, there still exists slavery.

I would say to the gentleman from New Jersey, what heartens me is the joint resolution that has been passed by the House and the Senate deploring government-sponsored slave raids in southern Sudan. This resolution was passed by this House, I believe it was in June, calling upon the Sudan government to cease the practice of slavery. It passed in this House by a vote of 416 to 1, and the Senate has passed a similar bill, or a similar resolution, 97 to 2. So we have the administration, we have both houses, and we have both parties raising their voices this evening. The gentleman from New Jersey and I speak for the Members of this House and the Senate, we feel confident to say, when we say that slavery exists in Sudan and slavery will not be condoned in Sudan by public officials in this country or by the American people.

I recognize, Mr. Speaker, that the slavery is a by-product of the civil war there that has gone on for 32 of the 42 years that the Sudan has been independent, and that if we talk to people there of the government in northern Sudan, they will say that they do not have slavery; there may have been some hostage-taking. Well, Mr. Speaker, when they, in fact, take women, children, young boys, work them, engage in rape, people who were not involved in combat, you are not taking hostages, you are taking slaves.

Before I turn back to the gentleman from New Jersey, I would just like to indicate one or two features of the resolution that we passed. In our resolution, virtually unanimously in this House, we indicated that there was a genocidal war in southern Sudan, a war, in other words, to wipe out the people or, in a real sense, to convert them culturally and religiously away from their own religion. There are Christians and animists.

In our resolution, we indicate that the declaration of principles of the intergovernmental authority for development mediators is the most viable negotiating framework to resolve the problems of Sudan. We talk about the prolonged campaign and human rights abuses of the National Islamic Front government. We indicate what is surely the case and must be acknowledged, and that is that the gentleman from New Jersey and I, and the House and the Senate, and the Republicans and the Democrats, do not stand alone, that the National Islamic Front government is considered by much of the world community to be a rogue state because of its support for international terrorism and its campaign of terrorism and slavery against its own people. Those words need to be said. We do not need to soft pedal what is happening in Sudan. We need to wake up people here and around the world to what is happening so that we can all engage in whatever is necessary to bring it to an end.

Mr. Speaker, I yield back to the gentleman from New Jersey.

Mr. PAYNE. Mr. Speaker, I appreciate the gentlewoman from the District of Columbia for her many years of work. As she has indicated, she has been involved for many, many years, and of course her outstanding record as she lead the civil rights movement in this country, and the tremendous amount that she has contributed, not only to civil rights but to the rights of women. It is certainly indeed an honor for me to be joined by her this evening.

As I have indicated, the Congressional Black Caucus has been looking at this problem for some time. After my 1992, 1993 visit to southern Sudan, we had at my international affairs brain trust, which I conduct every year with a number of members of the Congressional Black Caucus at our annual legislative conference, we had the question of slavery in the Sudan as a major issue. We had people who are slaves who showed their backs where they had been whipped. We had the outstanding well-renowned model from southern Sudan Alex Wek, who last year came and talked about visiting her village, seeing her grandmother for the first time in many years and talked about the abuse of the government. As we indicated, the colonial administration did very little investment in trying to bring this country together and when the colonial powers left, there was this split between the north and the south. The al-Bashir government today continues its war policy in southern Sudan, unmercifully condones slavery, and it is the number one supporter of State-supported terrorism.

As we know, Dr. Martin Luther King said that injustice anywhere is a threat to justice everywhere, and I think history will judge what we do or do not do here in order to free the slaves and in order to bring this question to the attention of the American people. A decade ago, a radical faction took power in Khartoum and forced and turned Africa's largest nation into a killing field.

□ 2015

It conducted a self-declared holy war by preventing food deliveries to starving people, bombing villages, and taking slaves.

Slave-raiding is the terror weapon of choice. Arab militias storm African villages, killing the men, taking the women and children. Escaped and redeemed slaves tell of being ripped from their homes, roped by the neck, and forced to march in columns north where they are raped, branded, and forcibly converted.

The Sudan government, like Stalin and Pol Pot's use of famine to kill its enemy, has been one of the real tragedies. The government of Khartoum uses food as a weapon. It has been estimated that close to 2 million people have died in Sudan, catastrophes that

make Kosovo and Chechnya look like just small incidents. Two million people died of starvation, malnutrition, because of this government in Khartoum.

Actually, in 1998, tens of thousands of Africans died a slow death when Operation Lifeline failed to break the food blockade and allow food to go into the south of Sudan. There is a U.N.-operated Operation Lifeline Sudan, OLS. But in order for food to pass through, the government of Khartoum must give permission for the food to be delivered. When they want to wreak more havoc on the people of the south, where the civil war is raging, they simply will not allow the U.N. and humanitarian organizations to bring the food to the south.

Dr. John Garang, who has been fighting with the south Sudanese liberation movement, SPLA, has asked that food be allowed to come in without the approval of the government. But that is still, working through UNICEF and the Coalition of Food Agencies, Operation Lifeline, Sudan, that is the only way that food can get into the south of Sudan. A hostile government that is hostile against its own people makes the determination.

Then we have heard about the bombings, where these old Russian planes, Antonovs, fly over the villages. Only 2 months ago, while our envoy was in Khartoum, Special Envoy Harry Johnston was meeting with the al-Bashir government, bombs were dropped on a hospital killing 16 people, mainly women and children.

When I visited at my last trip, we had to look and listen to hear whether the Antonovs were coming. We came in from the south, and they say if they come, there is a little place you can dive into a hole. The people in the villages, they look at the chickens, because the chickens actually are the first to be able to detect that the planes are coming. When the chickens start to react, then the children begin to run and move around in a kind of frenzied way.

That is when the adults, the elderly, the other people, know that the bombs are coming. Is that not a horrible way to spend day after day; peaceful villages trying to scrape out an existence, a life, have to keep their eyes on the chickens because the children watch the chickens, and then you watch the children because then you know that they may be raining bombs on you. It is, as I indicated before, it is even premedieval behavior from the government that sits in Khartoum.

What we have done, we have started an educational system there. There are youngsters all over the country who are starting to learn things. As a former teacher, I know that one of the strongest elements is to get this information in the hands of children.

There is a class out in Denver that has raised $100,000. The class, and I have spoken to them on the phone and her name will come to me soon, but they know who I am talking about. They call themselves the Little Abolitionists, and that is how they got involved. That is one of the reasons the gentleman from Colorado (Mr. TANCREDO), who is their member, who heard about this at a church and then knew about Mrs. Fogel's class, he heard about what they were doing and got involved in this issue.

There are students from over 100 schools around the country. As a matter of fact, this little school from Denver got letters from Japan, people writing them asking them about how to get involved. Then in Newark, we started to introduce this throughout the country. Black churches in Los Angeles and Newark have started to raise their voices in a chorus of outrage, and are talking about this question of Africans being enslaved today.

There is a national divestment campaign, and we were very pleased that at Paradise Baptist Church, actually as we talk about Dr. King, and this was the infamous day, the day he was struck down in 1968, and as a matter of fact, Dr. King had just visited Newark, New Jersey. This was the last visit he made on his way back to Atlanta and on to Memphis.

I was with him that morning at a school that I had taught at, then the South Side High School, where he came and spoke to the students in 1968. Then that evening at Abyssinia Baptist Church, when Dr. King left and went back home and then to Memphis, we know what happened then.

But on January 16, celebrating Dr. Martin Luther King's life, I was invited by Reverend Jethro James at the Paradise Baptist Church in Newark to come to his church. Rather than talk about domestic issues and civil rights in this country, and the question of affirmative action and the talk about police misconduct, the issue was about slavery. I was very pleased to be asked to deliver the sermon at that Sunday morning.

From that morning, we have had a move on this national divestment campaign. See, there is a company called Talisman Energy, a Canadian company. They are drilling oil in Sudan. They are in partnership with the Malaysians and the Chinese.

What this oil is doing, now that they have completed the oil lines, is to bring more money to the government. Black gold is like blood oil.

This company, the Talisman Energy, a Canadian company, has investments all over the country. We have started a divestment program in this country. I was proud, as we pressured the State of New Jersey, that they sold 850,000 shares several weeks after the attention and the news media and the newspaper accounts of that Dr. King program, where various persons came and spoke and talked about this terrible travesty that is going on in the world today.

We are saying that we should target companies. Just as we have had this divestment program in South Africa with apartheid, the Dellums bill, and the gentleman from New York (Mr. RANGEL) and Bill Ray had the divestment, we are saying this Talisman Energy Company should be targeted and they should be penalized for cooperating with a pariah government that wreaks havoc on its own people.

We can go on about that, but I will ask the gentlewoman from the District of Columbia (Ms. NORTON) if she has any other comments she would like to make at this time. I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding, Mr. Speaker.

The gentleman has indicated that he has seen with his own eyes and felt the terror himself. That is an amazing experience, especially since there have been denials by the government, even some in this country, that there is slavery in the Sudan. This gentleman has seen it with his own eyes.

Later on, I would like to indicate some of the testimony from ex-slaves, former slaves, in the Sudan so as to make more vivid why this is such a pressing issue for decent people around the world.

The gentleman has indicated that there are schoolchildren in this country so moved that they have started their own abolitionist movement. We have churches and other Americans who just feel they cannot stay still. Actually, we do not know how many slaves there are. They are African slaves, we know that. The estimates go from 20,000 to 100,000. With all the chaos and civil war in Sudan, no one has kept a record, although, amazingly, there are villages where they literally keep close records of people who have been stolen.

We know they are Christians and they are animists. Animism simply is a kind of native African religion. These are the two groups that are targeted here. The Sudan is 70 percent Muslim. Only about 5 percent are Christian. Apparently they are seen as some kind of threat.

What we have in the Sudan is a kind of cultural war, a desire to wipe out the culture of these people, the religion of these people. Nobody should feel as strongly as Americans, where people fled precisely because people were trying to convert them to a religion that was not their own. If they have a religion, they have to remain with that religion, so a civil war breaks out.

When we say to people, you cannot have your religion or you cannot have your culture, you have to have some other culture, as the gentleman has said, this has been going on for a very long time, here. In a real sense, the animus between these two groups precedes their independence, and is ancient. Nevertheless, it has become absolutely intolerable in our world today.

The antislavery movement, as it were, involves everything from classrooms and schoolchildren to a Swiss

group that makes it its business to go around essentially buying back slaves. They have freed, that is to say, bought back, upward of 20,000 slaves.

At the same time, I have to report that the antislavery movement that buys back slaves has become controversial, at least in some official circles. When we hear that people are buying back slaves, the first instinct is to say, thank goodness. UNICEF and some others have indicated some compunctions, however, about buying back slaves, because they think that it motivates the slave raiders to capture more African slaves and drives up the prices.

We can imagine, though, how the schoolchildren and groups who are buying back slaves respond to that. Nobody else is doing anything about it. If you were a slave, I guess you would figure if anybody comes along that can get me out of this and free me, then please let them do so.

Until we find a governmental solution, we are leaving these slaves either to rot in slavery or to some self-help escape, or, of course, to whatever help private individuals can bring to them.

The argument on the other side, from those who have been buying slaves, is that there has been no increase in the slave trade as a result of buying back slaves. In fact, they say that during period of intense liberation, when slaves had been brought back in large numbers, the raids have decreased.

I am not certain, and there are no official objective observers that can tell us one way or the other. I do know that the slaves are between a rock and a hard place. Nobody has come up with a solution. We can understand why people would step forward and say, we have to do whatever we can do.

Please remember slavery in this country. Please remember John Brown. Please remember the abolitionists, who were considered extremists because when slavery was the official policy of the United States and nobody would do anything about it, people were driven to do whatever they could.

At least what is happening with churches here, with the schoolchildren, with the Swiss movement that is buying back slaves, is peaceful and is liberating people. It puts a price on people's heads, but they, of course, are free.

The gentleman has also spoken about another movement. There is the liberation movement and there is the divestment movement. I agree with him, that at the very least the divestment movement is called for. I do believe that with what has happened in New Jersey to divest in Talisman Energy, which is Canada's oldest independent oil company, what has happened there is likely to catch fire everywhere else.

In neighboring New York, the first elected black official State-wide, the Comptroller, Carl McCall, is leading his State towards the same kind of disinvestment that New Jersey has begun. I must say to the gentleman from New Jersey, I cannot help but believe that it is the gentleman's work that has led his State to be the first to come forward and say to Talisman, not in this country. I think the gentleman deserves much of the credit for what has happened in New Jersey.

I want to tell the gentleman that he has inspired me to look into the pension funds of the District of Columbia, and to ask my counsel and my mayor to look to see if we are invested in Talisman Energy. I hope that, at least out of what we are doing this evening, and out of what the gentleman has encouraged to happen already in New Jersey, we can encourage Americans and others around the world to engage in a divestment movement.

I do not know if there are other companies. Talisman Energy has, of course, caught the attention of the country, and they deserve the disinvestment they are receiving.

I would say to the gentleman, I do have more to say, but in the spirit of going back and forth in the colloquy in which we are engaged, I yield back to the gentleman at this time.

Mr. PAYNE. I thank the gentlewoman very much.

The points that the gentlewoman from the District of Columbia brings out are very, very cogent points. We are encouraging Comptroller Carl McCall to take a look at the State of New York and the expanse of investments that that State has, and also the teachers' annuity funds nationwide.

Teachers have probably the largest annuity and pension funds, and we want those representatives to take a look at their portfolios, because we need to let people know that there is no profit in dealing in human misery. You cannot have a bonus by virtue of your behavior in dealing with an unjust system.

So as we target the Talisman Company, we will continue to, one, generate more involvement from the church movement throughout the country. We will continue with Mr. Jacobs and his antislavery movement, which has printed material, has become involved in getting material to children, to schools, to churches, and has done a very good job.

The gentlewoman does bring up an issue that UNICEF and the antislavery movement have had a debate about, whether to purchase the slaves is the right policy. We who want to see the policy ended do not want to get good groups battling each other about what is the right way to go. We should focus on the pariah government and determine ways that government should be brought down UNICEF wants to do it, the antislavery group wants to. I support all of the efforts that are going on.

I do believe, though, that in the legislation recently passed, in the Sudan Peace Act, there was a provision that we put in that would enable the President to block American investment in Sudan and also to break the food blockade to feed starving southern Sudanese.

There has been some controversy about having food go into Sudan in ways other than the Operation Lifeline Sudan, but we think that that is an imperfect way. We think that food should be made available from whatever means necessary, and that food should get to the people in the South who are starving. There has been some opposition to having food go into the country in ways other than the established OLS, but we think that that is really not working and, therefore, something else should happen.

As we have seen in Bosnia recently and in Serbia with the arrest of people for war crimes, people being brought before the International Court of Justice, we have seen in Arusha, the Rwandan genocide trials going on by the United Nations, we think that the Khartoum government must cease in its criminal acts or it needs to be held accountable for its actions.

We are holding Milosevic accountable in the Balkans for his war crimes, and the al-Turabi and al-Bashir governments must also be judged accordingly as crimes against humanity. We need to take a look at an indictment of these people who have continued the plight, as I mentioned, of 4 million people. As I mentioned, 4 million people have been displaced, and 2 million people have died over the course of 40 years.

Although these gentlemen have only been involved in the last decade or so, we need to start holding heads of state accountable. We saw what happened in Europe as related to Argentina's former dictator, where until his health became an issue there was an indictment being charged against him.

I think that the time has come that we need to tell criminal heads of state that they are going to be held accountable, that they are going to be indicted, and they need to be brought to trial.

□ 2030

It makes no sense that we tolerate this. Up to now, we just had Band-Aid approaches to fix some of these problems and so if we are going to be effective we must go to the root causes and the root cause is the government of the north.

Now, I do have to applaud the administration for applying sanctions almost two years ago on the government in the north, and they have held to most of the sanctions. Of course, many corporations are opposed to sanctions but I think that in this extreme situation that that is the least that these corporations can do. Invest somewhere else until we change that government. We cannot reward this government for its continued use of these terrible practices. In addition to what they have reeked on their own people, Sudan has also destabilized her neighbors. In Uganda, the Sudanese government gives direct support to the Lord's Resistance Army, a rebel base group that kills and tortures its own people. The

Lord's Resistance Army abducts children also, sort of the same practice of what is allowed by the Khartoum government. They will go in and they will kidnap children and then make these children in the front line of any attack that is coming. So the Army of Uganda that is trying to stamp out this group is confronted with the fact that there are children sort of shielding the soldiers of the Lord's Resistance Army. This is condoned by the government of Sudan.

We have had allegations of terrorism, and terrorists are harbored there in Sudan.

Back, as I indicated, to my visit to Sudan in 1992, 1993, when I returned I introduced the first piece of legislation that I did on slavery in the Sudan. I cannot even believe that it has been almost 7, 8 years ago but I introduced legislation on slavery in Sudan and that legislation called for the State Department to list all covert and overt forms of slavery in the region. It also called for the U.S. to cut off aid to countries that aid in selling or buying any Dinka men, women or children. The Dinka tribe is the tribe in the south, basically Christian.

Many of them are animists, as has already been indicated by the representative of the District, that there is just a small number of people who are in other religions, and this has been where we have seen the north reap its vengeance on these people in the south. That legislation also called for the administration to report to Congress within 3 months about the U.S.'s efforts to end slavery and it called on the United Nations Security Council to impose an arms embargo on the government until they condemn the enslavement of innocent civilians and take appropriate measures against the perpetrators of the crime.

Let me just say that removing it to a new millennium, as I said, we have human beings still being enslaved, branded like cattle, used as chattel and property. Sometimes children are sold for as little as $15 apiece. The government tolerates, if not condones, the kidnapping and enslavement of these women and children. They have ways of brutalizing where a child is afraid to try to escape because if they catch one they will cut his foot or sever his Achilles tendon, or brutal things that will just prevent the next one from trying to leave. Even in some countries, some of the oil rich countries, young boys are brought to their countries as slaves for camel racing, because they need light-weight persons to be the jockeys on the camels.

This is another inhumane situation that goes on today and is tolerated by heads of state. So we have a very serious situation. We have been trying to work at peace in Sudan. We have had President Moi who heads a group called the IGAD group which are made up of states in the Horn, Ethiopia, Eritrea, Egypt, countries in that region to try to work out some solution with the government in Khartoum in ending the bombings and stopping the safe raids but to date they have been unsuccessful.

I have to commend President Moi who comes under criticism in his country for things that are happening there, but I have to commend him for his attempt. I spoke to him face-to-face just a month and a half ago about the problem in Sudan and he is very troubled by it and he is also troubled by the lack of progress that has been made as he has been attempting to have a change of heart with the government.

So we certainly will continue to fight. We will continue to raise this issue. We will continue to bring this issue before the persons of this Nation, before the children of our schools, before the churches in our communities. We have seen people become interested. We get phone calls from people who want more information and we send them or we refer them to an organization like the Anti-Slavery Movement or other groups that are working with this issue, but I must say that we are growing in numbers.

I used to say before the gender question, start me with ten who are stout-hearted men and I will soon give you 10,000 more. Of course, today I will say 10 who are stout-hearted men or women, and we will see this grow until we have an army of people of goodwill that will say we will no longer tolerate these injustices. Start me with 10 and I will soon give you 10,000 more, and that is what is going and they said shoulder to shoulder we grow bolder as we meet this foe, that must be taken out.

I once again appreciate the interest of the gentlewoman from the District (Ms. NORTON). As she indicated, she saw me in the hall and said we just have to talk about it; it is on my chest. We have to get it off. Let us just discuss it, and that is what we are doing here at this time.

Since we have maybe 15 minutes left, I will yield to the gentlewoman and then I will conclude after she completes her remarks.

Ms. NORTON. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding. Once again, I thank him for his consistent leadership on this issue, for his work not only in the Congress but throughout the Nation.

This evening, what he is doing, I think, his 10,000 men to join him, his 10,000 women, I think has indeed some possibility. I certainly want to join.

The gentleman knows that the Khartoum government had long denied that there was slavery at all in the Sudan. It is interesting that just last year, when the evidence began to be overwhelming because journalists from around the world had documented endlessly the slavery because the slaves themselves were offering irrefutable testimony, then Khartoum said that, yes, there is slavery but only independent Arab tribes operating without Khartoum's approval are engaged in slavery.

□ 2045

I mean, that is like the United States Government, I will say to the gentleman from New Jersey (Mr. PAYNE), telling us in 1920 that these people who are going around lynching blacks are operating without their approval. All they had to do was arrest someone. I think the message would have gone throughout the south. There would have been thousands of black people who would have been saved from lynching.

The fact is that this is a militaristic government. If it wanted to stop the slavery, it knows how to do so. It does not want to do so. It condones it. It is involved up to the teeth in this cultural war. It is a civil war, and their way of dealing with it is to strip these people of their religion and of their culture. That is uncivilized. That cannot be condoned anywhere on the planet under any circumstances today.

I would say to the gentleman from New Jersey that I would like to close and give him the opportunity to close this special order by simply referring to some of the testimony so that it will be clear that we are speaking here for slaves and ex-slaves who cannot speak for themselves, who do not have access to the podium that we come before tonight.

I was particularly struck by words from the Calgary Herald in Africa, December 26, and I would like to quote because this was an article that involved an interview of a former slave Natalinia Yoll. Here the article said, ''She could hear the galloping horses in the distance. She had lost her shoes in her rush to escape the Arab marauders. As she headed for the deep undergrowth, she knew she would eventually be safe and avoid being taken as a slave.

''But she was still running, and screaming, trying to find out if her mother was close by. Looking back would cost her precious seconds.

''Running, running, running. Then, as though someone had made an opening, she found solace in the deep, thick bushes. Alone, scared, tired, but safe—for now.''

Running, Mr. Speaker, like an animal. This was a human being. Somehow this reporter makes me feel what it must have been like.

He goes on to say, ''This is where she would remain for days, weeks, until it was safe to return to her village. This is where other members of her village would join her.''

The woman is now married. She married an African in Nairobi, Kenya. These are her own words: ''Will I ever be able to sleep without disruption? The memories are vivid, I can still smell the horses chasing me. How can I possibly forget?''

She indicates that the marauders take young boys. They want young boys, because they want young boys

who have no memory of their culture so they can completely convert them, get them to speak another language, Arabic, as it turns out, get them to forget that they ever had their own religion. Then they take girls and women, because girls and women are always helpless in every society, or at least more helpless than men. Then they sell them, apparently, to Arab merchants and put them to work on farms.

This woman, Natalinia Yoll, spoke of being placed in a circular compound, fenced off with thorns. She talks of vile health conditions. She spoke of working with livestock.

Now I am quoting her, ''Escape is the most important issue on their minds.'' ''Every day they plan, strategize. Getting out of this hell hole is the only thing that occupies their thoughts. But so many don't make it.''

Natalinia Yoll's father and two brothers did not make it.

I am particularly moved by the Dinka youth who apparently are among the targeted prey, because these children are captured so young that their marauders turned them against their own people. They are enslaved so young, they do not have any idea where they came from, where their birth family might be, so they simply speak the oppressor's language. Did not we learn to speak the oppressor's language? We have forgotten the language of our forbearers. We know, we feel what that is about.

I do want to say something about after freedom. One would think, well, when people are free, that is it. These people, when they are free, when they are bought back apparently are terribly damaged, humiliated, broken.

They are often walked back to their villages in 110-degree heat. They are surely grateful to be freed. But they walk hundreds of miles back from the north to their home region that they have been bought for $50 a head. They are stripped of their religion.

They go back, not at all certain that they will remain free. The marauders can come again. They can be sold back again. That is why people are buying these slaves.

Mr. Speaker, when you face this kind of desperation, at least in the United States, if you could get North, away from slavery, apparently, if you get South, back to where you came from, the marauders can come and get this again. This is intolerable. This is hell.

What to do? I do want to say something about that. Our country is trying. Obviously, we cannot go there. This is not a situation where we can simply storm the country and do something about it. This is not that kind of situation. It is not what the American people want, and that is not what we want.

I do applaud Secretary Albright for what she is trying to do. There is some notion that one way to, perhaps, bring Sudan to its senses, make it into a civilized nation, would be to reward the country for progress towards any peace that it moves toward. If you see them ending human rights abuses by easing off the economic sanctions imposed in 1997, I have to say one would have to see very strong evidence in order for any of us to believe that that is what should happen, but you have to begin to find a way.

Ms. Albright has suggested that this country would pick up the costs of the next round of regional peace talks in Sudan, and the administration did appoint a peace envoy to Sudan, but, of course, that did not get very far, because the adamants against moving towards peace could not be stronger.

I do want to end, finally, with what I have to say with some evidence of what it is like to be a slave in Sudan. Here I am quoting from a slave, we were roped together, 16 people to a rope, and marched to the land of the Arabs. There some of us were sold to a farmer, Ali Mohammed, who made us servants to his wives, Fatima and Zenib. I worked dawn to night but was never given even a coin. My food was table scraps. Zenib beat me with a stick if I moved too slowly or broke a jug. But Fatima was kind and took pity. Once she gave me a sugar piece.

Another detail that particularly strikes home, as far as I am concerned, they said I must be a Muslim, that I must pray on Fridays, and that also I must be cut like an Arab lady. This ex-slave is talking about female circumcision.

Reverend William Chan, a Dinka Roman Catholic priest, remains there and somehow has survived in Southern Sudan. Mr. Speaker, I would say with gratitude to the gentleman from New Jersey (Mr. PAYNE) that I would like to end with words from this priest. Reverend William Chan, we pray for our brothers and sisters who are slaves. We pray that the ears of the world will one day open to the cries from Sudan. We rejoice in the knowledge that God, our father, hears us.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, let me thank the gentlewoman from the District of Columbia (Ms. NORTON) for that very moving and personal report of people who have simply told it like it is. I think that we have to remember that no one is free until everyone is free, and that the government has lied that truth.

Of course, the earth will rise again, because no lie can live forever, and, finally, that the arch of the moral universe is long, but it bends towards justice.

As we look at the situation there, as we look at the continent and we see this year 2000, hopefully a settlement to the tragic conflict. For example, in Ethiopia and Eritrea with two good leaders, like Prime Minister Meles and President Isaias who are intelligent, bright men, will hopefully continue to cease-fire and come up with a peace plan.

We are hoping that the Kabila government would move towards elections in the Democratic Republic of the Congo, and that those folks who are on other sides, Uganda with Museveni and Rwanda with Kagame and Burundi with Buyoya, on one side, fighting against Zimbabwe, Mugabe's group and Namibia with Sam Nujoma and Angola with President dos Santos, that that cease-fire will hold.

We are seeing Sierra Leone, the brutal mutilation by the RUF, but that government hopefully having a government of reconciliation, and that brutality will end there. We hope that Cote D'Ivoire will have an election this spring after the cue that recently took place.

We have some bright spots. We see the government of Senegal who just had an election and had a positive transference of government. We have seen South Africa move from Mr. Mandela to Mr. Thabo Mbeka.

We have seen Botswana that has been very stable for decades with the new President there, Festus Mogae. We see positive movement on the continent, still very difficult, still a long way to go, but we are seeing, at least, an attempt and some positive steps.

As we conclude, we must also expect to see some positive results in Sudan. We must not continue to allow children to be sold and to be raped and to be beaten and to be tortured. We can no longer let governments sit in high places without having to pay the consequences.

We can no longer allow leaders to feel they can do what they want any time they want to and go above the law. We have to have the prosecutions by the International Court of Justice. We can no longer allow medieval times in our supersonic era. These things must stop. We will continue to fight.

We are on the right side. We know that we are going to win, but it is going to be the work of all of us, the children, the church people, the politicians, the investors, the housewives, just everyone saying that enough is enough.

I cannot thank the gentlewoman from the District of Columbia (Ms. NORTON) enough for her joining me in this colloquy-type special order. The fact that we are now moving forward to see victory, I think, is the right way to go, the right direction.

Once again, I thank the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Virginia (Mr. WOLF), the gentleman from Ohio (Mr. HALL), Senator BROWNBACK, the gentleman from Colorado (Mr. TANCREDO), the gentleman from Louisiana (Mr. COOKSEY), who has a very strong interest, the gentleman from California (Mr. ROYCE), chairman of the Subcommittee on Africa, who has done tremendous work, the gentleman from California (Mr. CAMPBELL), who I have traveled with in the South of Sudan, these are people who are saying enough is enough, and the gentleman from New York (Mr. MEEKS) and the gentlewoman from California (Ms. LEE), those who are on our committee.

□ 2100

THE NATION'S FIRST RESPONDERS

The SPEAKER pro tempore (Mr. KUYKENDALL). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to thank our colleagues for action taken in this body last Thursday when we made an historic vote and, for the first time in the history of this Congress, voted money in the emergency supplemental legislation for our Nation's first responders, our Nation's fire and emergency management personnel.

I rise tonight to pay tribute to and to discuss that legislation, but also to clarify one part of that legislation which I had to remove because of confusion and misrepresentation stated on the House floor in what was a very limited debate.

First of all, Mr. Speaker, the legislation itself is appropriate for an emergency supplemental bill because it, in fact, is aimed at our domestic emergency responders. Also in that legislation was $4 billion for our military, which was desperately needed and which I heartily supported, to help them overcome the shortfall in funding because of the level of deployments that the President has gotten our military involved in. But for the first time in this legislation the Congress voted by a margin of 386 to 28, a very lopsided margin, to support my amendment which would provide $100 million to the Nation's fire and emergency services.

Now, let me discuss why this is so important, Mr. Speaker. Over the last 10 years, we have seen unprecedented increases in the number of disasters in this country. Hurricanes, floods, tornadoes, earthquakes, wild lands fires, the World Trade Center bombing, the Oklahoma City bombing, the Atlanta Olympic bombing, numerous HAZMAT incidents, high-rise buildings, and other incidents involving potential and real situations where lives have been lost and people have been injured.

Now, admittedly, Mr. Speaker, responding to local disasters is a local responsibility, and as a conservative Republican on fiscal issues, I do not want to change that. As a former mayor, having been before that a local volunteer fire chief, and a director of fire training for some 80 fire companies as a volunteer, and then going back and working in my own community and then going on to serve on my county council, county commission, I understand that life safety is a local responsibility, and my amendment did not intend to change that. This was not an attempt, as some would say, to federalize the fire service. It was not an attempt to have the Federal Government move in to take over jurisdiction or responsibility for what should be a State and local issue. But, Mr. Speaker, we have to understand some hard facts.

First of all, the fire service of this country, which consists of 32,000 fire departments, 85 percent of whom are volunteer in every State in the union, and including 1.2 million men and women, have responded to disasters in America longer than the country has been a country. Two hundred fifty years ago this organization of dedicated men and women sprang up to basically protect our towns and cities. And all across America, for the past 250 years, these men and women have protected us from every type of disaster known to mankind, from those that are natural to those that are man-made. And they have done it very well.

In fact, it is the only profession that I can think of where the bulk of those involved are volunteers and that loses, on average, 100 of its members every year; that are killed in the line of duty. Now, we have police officers that are killed, we have military personnel that are killed, but they are paid. That does not make any difference. It is still a tragic loss when that occurs. But with the fire service, each year, on average, 100 of them are killed, and the bulk of those who are killed are volunteers. They are doing what they do because they want to protect their communities. Yet, Mr. Speaker, at the Federal level, we have done little to assist these people because it has been thought of in America as a local jurisdictional responsibility.

But, Mr. Speaker, some things have been changing. First of all, the size of the disasters in recent times have been unprecedented. The floods of the Mississippi River in the Midwest, the Loma Prieta and Northridge earthquake, Hurricanes Floyd and Andrew and Hugo. All of these incidents involved a massive impact on ordinary people. The first responders to every one of these incidents was not the military, it was not the FEMA bureaucrat, it was not the civil defense person in the county courthouse. The first responder in every incident that we have faced as a Nation has been the local fire and EMS person, be he or she paid or volunteer.

And, Mr. Speaker, these disasters have had a terrible impact on the ability of these first responders to replace equipment that was ruined, to buy new equipment that is needed, or to deal with the kinds of tragedies that these natural and man-made disasters have caused.

But there is something else that is happening, Mr. Speaker. In the 1990s, we began to see a new threat emerging, a threat involving weapons of mass destruction: Chemical, biological or perhaps even small nuclear devices. And all of a sudden the buzzword around the beltway is that we should provide more support for our military, for our civil defense community to respond to terrorism that would include a weapon of mass destruction. But, Mr. Speaker, again, the first responder to a terrorist act will not be a military unit, it will not be a National Guard unit, it will not be a FEMA bureaucrat. The first responder in any city, in any town, in any county across America to a terrorist incident will be a locally-based fire and/or emergency responder.

So now we at the Federal level are asking our country to prepare, and yet we have not given any supportive substance to these men and women who we are asking to respond to a different type of threat to our stability, and that is the threat from the use of a weapon of mass destruction. For these reasons, Mr. Speaker, it is totally appropriate that we at the Federal level provide some help to our emergency response community.

Now, those who would say that the Federal Government's support of $100 million for the fire service is simply an attempt to federalize them could not be further from the truth. First of all, the volunteer fire service in this country, which makes up 85 percent of those 32,000 departments and 85 percent of those 1.2 million men and women, has no interest in being federalized. They have no interest in being taken over by the State or their county. It is a proud tradition.

Having been born and raised in a fire service family, and having risen to the position of president of my fire company and then chief of a volunteer fire department, and training director of an academy for 80 of those companies, I understand the fire service mentality. These are proud Americans. They want to protect their communities, and they do not want government to become involved. However, Mr. Speaker, they are facing some very unique challenges that require us to provide some assistance.

First of all, the volunteers are having an extremely difficult time recruiting new volunteers. They are spending so much of their time raising money, through tag days and chicken dinners and bingos in the fire hall, that they are taking away from their ability to train and to take care of the apparatus and prepare for the kinds of situations they have to respond to. So fund-raising is becoming a larger and larger part of the requirement of the volunteer firefighter to meet the needs of the fire department. We need to provide some assistance in that effort.

Recruitment is a big problem all over America. I have traveled to all 50 States, I have spoken to every State fire and EMS group in the country. And in every State I have heard the same message: We are having a tough time recruiting young people. Money from the Federal Government can provide the assistance necessary to recruit young volunteers.

Let me just give my colleagues a piece of frustration that I have heard around the country. This President and this administration, largely supported by the liberal wing of this body and the other body, a few years ago created a well-intentioned program called AmeriCorps. We were told by President Clinton that AmeriCorps was going to

be great because it was going to give people a sense of commitment back to their community. He told us it was going to create volunteers in our towns and our cities. Well, here we are, Mr. Speaker, several years after AmeriCorps has been funded. And guess what, Mr. Speaker. We are spending almost a half a billion dollars a year on AmeriCorps, and yet not one of those 32,000 fire departments can qualify for AmeriCorps funding.

Even worse than that, Mr. Speaker, when the Presidential Summit on Volunteerism was held in Philadelphia a few years ago, the National Volunteer Fire Council, which represents all the volunteer fire organizations in America, was not even invited to attend. I had to threaten the administration, threaten to hold a counter demonstration in Philadelphia if they at least did not invite the national volunteer fire council, which they eventually did. But the point is, here we are at the Federal level spending a half a billion dollars a year on supposedly creating volunteers, which by the way, Mr. Speaker, are paid a salary and are given health care benefits and, in some cases, are given college tuition, and yet we have done nothing for the volunteer fire service, which for the past 250 years has protected this country, and which in every one of those 32,000 departments has volunteered completely, without any active support from any level of government.

It is time we helped these people, Mr. Speaker. It is time we understand that we in Washington do not have to find ways to create volunteers and pay them. The volunteers are already there. And I would also offer this, Mr. Speaker. I cannot think of one AmeriCorps volunteer who risked losing his or her life in the course of his or her duties. Again, 100 of the Nation's fire and EMS personnel every year are killed in their line of duty, and yet we at the Federal level have done nothing for them.

Mr. Speaker, those who would say that we are trying to pay volunteers could not be further from the truth. I will outline what this money is going to be used for. It is going to be used to help recruit new volunteers, to help better train to deal with incidents involving terrorist activity. It is going to be used to help create loan programs and matching programs to buy new equipment, to buy turnout gear, to buy breathing apparatus, to make sure that our volunteers and our paid firefighters nationwide are properly protected and able to respond to incidents that they will be facing throughout this year and in ensuing years.

Mr. Speaker, that is what my amendment was all about. And for those who think that we are trying to undermine volunteers, let me just say this. The worst way to undermine volunteers is to do nothing. Let the volunteers continue to be frustrated, let them continue to spend all their time raising money until there are no more volunteers. Then what will we have to do, Mr. Speaker? We will have to spend billions of dollars of taxpayer money to replace the volunteers. Billions of dollars. In fact, one estimate done by a research agency came up with a figure of $36 billion a year. That is what it would cost to replace the volunteer fire service of this Nation.

□ 2115

It is in our interest to provide a small sum of money to help these people to continue to protect their towns, to help them continue to do the kinds of things they have been doing for 250 years.

Now we have a similar problem with the paid fire service. The paid firefighters, who largely protect our inner city areas and our more urban areas in the suburban districts around our cities, are finding it extremely difficult to protect the constituents of their geographical areas because of the kinds of new threats that we see emerging.

The World Trade Center bombing, where we had 100,000 people at risk, was totally dealt with by the very professional New York City Fire Department, yet they did not have the communications equipment they needed. And, in fact, the fire commissioner at that time, a friend of mine who is currently the police commissioner in New York, told me that the single biggest need they had was an integrated communications capability to be able to communicate among themselves as well as with State and Federal agencies.

Chief Mars, the chief of the Oklahoma City Fire Department, another paid department, a very capable department, came in and testified before my committee 1 year after the Murrah Building bombing in Oklahoma City and he told me the story of the communications system in Oklahoma City, which is typical of communication systems across America.

He said, when he arrived on the scene, his radio system very quickly became overtaxed and he could not communicate with the police or with the FBI or ATF or the other agencies because they were all on different frequencies. Some were on high-band frequencies. Some were on low-band frequencies. But they could not communicate with each other.

Because of the impending threat to hundreds of people that were trapped in the building or who were unaccounted for, time was of the essence and the chief had to respond quickly. So he switched to portable cellular phones. And there on the scene, law enforcement agencies and Federal agencies were communicating with the fire chief through cellar telephones until the cell became overtaxed and the system failed.

So then the chief of Oklahoma City Fire Department, a very capable paid department in this country, had to resort to handwriting messages and have firefighters and EMS personnel carry those messages to other line officers.

What a terrible waste of time, Mr. Speaker, and what a terrible waste of resources to have an inner city chief have to write down messages when people's lives are at risk.

Mr. Speaker, that is not the exception. That is, unfortunately, more common all over this country as we lack as a Nation an integrated coordinated communications network. Mr. Speaker, we need to understand that our domestic defenders deserve as much attention as our international defenders.

Now, as a senior member of the Committee on Armed Services, I support the military, I support the $4 billion add-on in the supplemental. We spend almost $300 billion a year on our Nation's international defenders, and we value every life that is put on the line when they go into harm's way to protect America. Mr. Speaker, it is about time we put the same value on the lives of those people who defend our cities every day of the year.

Now, Mr. Speaker, these fire and EMS personnel respond to every disaster that we can think of, from toxic materials in our chemical plants and our oil refineries to hazmat explosions on our highways to the kinds of natural disasters that I discussed early on in my comments this evening. And they are faced with more and more technical challenges as they try to deal with these difficulties in saving people's lives.

For all of these reasons, Mr. Speaker, it is important that this body made the statement that it made last Thursday. In fact, Mr. Speaker, the paid and volunteer fire, an EMS community of this country, are the true American heroes. If we want to take one group of people that perhaps better than any other group exemplified what America is all about, it is the men and women of the emergency fire and EMS services across this country.

Now, they do not wave their flags and stand up and come lobby the Hill. They do not have high-powered lobbyists to put big money into the pockets of people running for office. But they are out there every day of the year, 24 hours a day, protecting our towns and our cities; and they have done that well before the country was an actual nation, over 250 years.

In fact, our volunteers are oftentimes the backbone of their community. It is the hall where we go to vote on election day. It is the group that organizes the July 4 parades, Memorial Day celebrations, the Christmas parties for the kids in the community. It is the group that we all call when the cat is in the tree, when the cellar has been flooded, and when we need a search party to find a lost child. And if we allow this group of people to have their needs unmet, America is going to be torn apart because it will tear apart the fabric of our local towns and cities.

There is no group of people that we can find in 32,000 departments across this country in Democrat and Republican strongholds that are there day in

and day out to protect their communities.

For all of these reasons, Mr. Speaker, I offered the amendment that I did last Thursday, an amendment that said that we should step in and provide emergency help for these emergency responders. And this House voted overwhelmingly, Democrats and Republicans joined together hand-in-hand and said, we agree. Three hundred eighty-six Members voted yes. Twenty-eight voted no. Mr. Speaker, this strong show of support is the strongest indication we have ever had in Washington that it is time we help these brave men and women.

Now, some would say, wait a minute, $100 million is a lot of money. Let me make some comparisons, Mr. Speaker.

I have listened to this President stand up in this podium eight times now. I have heard him talk about the importance of our Nation's teachers. As a teacher by profession, I agree with him. I have heard him look us in the eye and talk about how we need to put funding for another 100,000 teachers to help our kids. I understand his message. I have heard this President stand up in that podium and talk about the need to help police officers around the country, to put 100,000 cops on the street.

Mr. Speaker, in our budget each year we provide over $3 billion for local law enforcement efforts nationwide. Again, Mr. Speaker, that is over $3 billion a year. We even match the local towns to buy the costs of the police vests, the bulletproof vests that protect police officers if in fact they are shot.

I support those efforts, Mr. Speaker. But is a police officer more important, is a teacher more important than a paid or volunteer firefighter, a paid or voluntary EMS person, especially when the bulk of them are volunteers?

In the 8 years I have heard that President speak from that well, I have not heard one word from that podium about the Nation's first-responders, not one word about the fire and EMS personnel, who are the first thing in our inner cities on drug deals that have gone sour, who are the first responders when a person has a heart attack or a stroke, or when an accident occurs and there has got to be a rescue, or when people are fleeing a refinery and they are running in to protect the property and the lives of the people around that facility. Not one word.

Well, this Congress spoke up last Thursday and it spoke up in a bipartisan way and it said it is about time America recognizes these unsung heroes who have asked for so little.

What will that $100 million do, Mr. Speaker? Well, first of all, $10 million will fund for the first time the rural volunteer fire protection program. Now, this administration, which talks about being supportive of fire service, especially when they had their budget director go before the IAFF union meeting here in Washington, this administration cut the funding for the rural volunteer fire program from $3.5 million to $2.5 million in 1 year. That is not a commitment to helping the fire service.

My amendment fully funds the rural fire protection act to provide matching dollars for those small rural departments across America in our farmlands, in our rural areas where they really need to buy that antique or used truck, where they need to buy that extra set of turn-out gear. It provides matching funds. So the money they raise from chicken dinners and tag days can be matched now with $10 million of funding from the Federal Government.

The second $10 million, Mr. Speaker, goes through FEMA to provide burn research. Nothing is more important to a firefighter. And let me say this, Mr. Speaker, that there is no injury more traumatic than a burn. Having been a fire chief, having responded to numerous situations where both innocent people and fire and EMS personnel have been burned, I can tell my colleagues there is nothing more traumatic than that type of injury.

We need to do more in the area of research for burn treatment, burn prevention, and the cosmetic surgery necessary after a burn to allow a person to live a normal life.

The $10 million in our amendment last week is used to match money from local nonprofit burn foundations all across America, not just to benefit firefighters but to benefit those children who might dump over a scolding pot of coffee or hot water and cause themselves to be burned. That burn research money is absolutely essential, and even 10 million is not really enough.

The biggest part of the $100 million, Mr. Speaker, $80 million dollars, goes to create a program administered by FEMA of competitive grants that any one of the 32,000 fire and EMS departments in America can compete for. They have to match it dollar for dollar.

Some of our States have low-interest loan programs. They can use this money. Some of our towns put some local tax money in. They can use those dollars. Or, again, those fire departments can use the money they raise from their bingos, from their tag days, from their chicken dinners, from all the other fund-raisers they hold.

That $80 million, by being doubled and matched dollar for dollar, will create $160 million of additional spending to help the men and women of the fire service of this Nation. The money can be used to help create programs that will help them recruit new volunteers, that will help our paid departments reduce casualties and reduce injuries.

Mr. Speaker, nothing could be more important than this commitment of funding for our real American heroes. That is what the amendment did, and that is why it received such broad bipartisan support.

But, Mr. Speaker, in the brief amount of time we had to discuss the amendment, which was 10 minutes, even though I had broad bipartisan support on both sides of the aisle for the initial amendment, there were 5 minutes called for by an opponent who rose at the eleventh hour at the last minute while the amendment was on the floor objecting to one provision in my legislation, and I want to discuss that tonight because I could not clarify it in the minute that I had to respond to what was 3 minutes of accusations.

Mr. Speaker, there was an objection raised to one part of my amendment that would have changed the language dealing with how local communities can spend Federal community development block grant monies.

As my colleagues know, Mr. Speaker, Federal community development block grant funds, which I strongly support, are designed to help low- and moderate-income Americans. In fact, we spend $4.8 billion a year on the CDBG program.

Now, Mr. Speaker, the town that I used to be the mayor of, which before that I was the fire chief of, is one of the most distressed towns in Pennsylvania. We were a prime target of CDBG funds before I became the mayor and while I was the mayor. I understand the role of CDBG dollars in poor areas.

After serving as mayor, I served as a county commissioner over a county of almost 600,000 people in suburban Philadelphia county, again with a large concentration of impoverished people along our water front. I was again a strong supporter of the CDBG program. But, Mr. Speaker, I saw some problems and some opportunity with that program that I want to discuss and which were a part of my amendment.

Current regulations, Mr. Speaker, specifically define what kinds of activities CDBG funds can be used for.

□ 2130

The ultimate decision is not done by the Federal Government but rather the funds are passed to the States and passed to our towns on a formula basis and our counties, and they must prove that 70 percent of those funds are being used to benefit low and moderate income personnel. I support that ratio. I am not opposed to that. But, Mr. Speaker, let me talk about some inequities in the program. There is nothing more important to a poor person than having their life saved, than being rescued from a burning building, than being pulled from a traffic accident or a HAZMAT incident. In fact, Mr. Speaker, across America, the largest concentration of heavy industry as it was in my hometown where half of my town was made up of oil refineries, the largest concentration of hazards are in poor areas. But yet even though the CDBG dollars are designed to be modified and doled out at the local level by local officials, there has been a prohibition against local county commissioners and mayors and city councils from using the CDBG dollars for fire and life safety unless it is totally confined to the impoverished area of that

jurisdiction. My amendment sought to clarify that, Mr. Speaker. My amendment simply said that there are examples where a jurisdiction has low and moderate income people who have needs of fire and life safety that we need to broaden and specifically define the uses of CDBG dollars for. Some examples, Mr. Speaker. If we wanted to establish in my home county of Delaware County, which is typical of many counties across America, has a small concentration of low and moderate income people along the waterfront, if we wanted to use CDBG dollars for a countywide training facility that would respond to those incidents in the impoverished communities where the heavy industry is, we could not do it, because under current regulations by HUD, those CDBG dollars could not be used for a training facility unless it was totally in the area of the poverty and only used by those fire departments within the area of jurisdiction of the impoverished community, not broader than that area alone. So it is not cost effective. So it does not get done. And the CDBG money that could be doing a lot more to help the poor cannot do it. In fact, we should be able to assist those fire and EMS departments that regularly respond to impoverished communities. Now, in my home county, if there is a major fire in an oil refinery which is in a poor area, all the fire departments around our area come in with them. Those fire departments are all volunteer. They are coming from communities that might not be low and moderate income. But they are protecting the lives of poor people. Yet the current CDBG regulations, Mr. Speaker, specifically prohibit the use of those dollars to benefit the lifesaving activities of fire and EMS departments that are called into impoverished areas. Mr. Speaker, that does not make any sense at all. There is an accident on a major highway going through a city and a volunteer fire department from a neighboring community responds and rescues the people. There is a prohibition against using those CDBG dollars to help that fire or EMS department out. That was what my amendment was about, Mr. Speaker. It was not, as some of my colleagues said, an attempt to undermine the CDBG program. That was hogwash. In fact, it was an out-and-out lie. Some of my colleagues knew it was a lie. There was no attempt to undermine the CDBG program. I take my commitment to poverty very seriously. I was born the youngest of nine children in a poor town. I have supported every effort by this Congress to help empower poor people. I was the coauthor of legislation 3 years ago that this administration objected to to increase our community services block grant program by $100 million, and we did it. We led the effort on the Republican side of the aisle, not the Democrat side of the aisle, for that $100 million increase. So when Members stood up with 1-minute soundbites and said this amendment was out to gut the CDBG program or undermine CDBG, it offended me. In fact, it outraged me. That was not the intent and that was not the substance of the legislation. The people who made those statements, Mr. Speaker, owe the fire service of this Nation an apology. I hope every firefighter and EMS person in this country who heard the kind of comments made last week will let their feelings be known to their Member of Congress to our colleagues that that was uncalled for. Our effort was to provide flexibility for local town councils and for local mayors to clarify the use of CDBG dollars for fire and EMS purposes and to allow CDBG funds to be used for programs that ultimately benefit low and moderate income people as well as those areas around there where the emergency response groups go in from time to time or assist in the effort of providing life safety measures for our low and moderate income Americans. That was what my amendment was about. And anyone who attempts to try to characterize that amendment in a different manner was just being untruthful. It was unfortunate that my colleagues, largely on the minority side, got cold feet. And instead of doing what our majority whip wanted, the gentleman from Texas (Mr. DELAY) for whom I have the highest respect, and that was to leave that provision in the amendment, I felt it would have jeopardized the overall amendment itself and, therefore, I asked unanimous consent to modify the amendment and remove that provision. I wish I had not had to do that, Mr. Speaker, because then instead of $100 million for the fire and EMS community, we could have had access to several hundred millions of dollars, perhaps even up to $1 billion of available dollars going to our local towns to give our local county council members and our mayors and city council members the authority to use some of that money to help provide more protection, not less, for low and moderate income Americans. In my own county, those funds could have been used for enhancing our countywide fire training to benefit our low and moderate income people. It could have been used to set up a countywide HAZMAT team that could have responded to those incidents in those low and moderate income areas. It could have been used to provide an emergency response antiterrorism unit to respond again to low and moderate income areas. But it was shot down, or it was forced on me to withdraw that amendment because of misstatements that were made on this House floor in a brief 5-minute period of time. My colleagues, especially on the other side, did not want to have a vote that they could not properly explain to their folks back home and did not want to be perceived to perhaps be antipoverty, antipoor when that was not the issue at all.

But I say this, Mr. Speaker. There will be another day. I am not going to let this CDBG issue die. Because I want to give my colleagues some examples that my colleagues on the other side and a couple of my colleagues on my side should have been talking about. You want some undermining of the CDBG program? Let me just give my colleagues two examples as someone who served as the mayor of a poor town for 5 years and a county commissioner and chairman of the county commission for 5 years overseeing CDBG dollars. My colleagues on the floor said, we don't want to use this money for fire and life safety and for emergency response. But you did not hear them mention that it is allowable under the law to use that same money for historic preservation in the richest towns in America. You cannot use the money to provide life safety but you can use it to restore old buildings in the richest towns in our counties.

Mr. Speaker, there is a second allowance of that CDBG money under current Federal guidelines, under HUD's stupid rules, you can use that money to cut curbs and sidewalks. Mr. Speaker, I am not against cutting curbs and sidewalks. I want to see people who are challenged and are confined to wheelchairs be able to get up and down on curbs and sidewalks throughout my town and throughout my county and throughout my State, but as a former county commissioner, I can tell you that that was one of the only eligible programs besides historic preservation that could be used in any town in our county, even the richest one. So what did we do? We did like every other county does, we cut every curb and sidewalk in every town we could. And so hundreds of thousands of curbs were cut in towns all across America, in many cases where no handicapped person would ever travel. I remember the former mayor of Philadelphia, the current chairman of the Democratic National Committee, Ed Rendel, a good mayor, once stating his frustration with Federal funds, that they had cut every curb on the major expressways going to the city, yet it would be impossible and unsafe for any handicapped person to cross that street, but he did it because it was one of the only ways to spend CDBG dollars to help in curb improvements.

So, Mr. Speaker, the irony of the amendment I offered last week was my colleagues were saying to me we do not want to support your effort to help rescue poor people, to help rescue handicapped people trapped in high-rise buildings. We want to use the money to cut curbs on sidewalks where a handicapped person may never ride or may never go or we want to use it to restore historic buildings in our wealthiest towns. My goal was to help use those dollars and help give that local flexibility for county commissioners and council members and mayors to help

save those handicapped people, to develop training mechanisms and response to enter those buildings, to rescue those people from floods and tornadoes and earthquakes. But unfortunately, my colleagues, again largely on the minority side, said to me, ''If you keep that in, we can't support your amendment.'' And so as a result, I pulled that provision from my amendment and I had to offer the amendment in an amended form with only the $100 million of funding.

Mr. Speaker, I hope our colleagues, in reading both my statement last Thursday and my comments here tonight, understand what really happened with the provision for CDBG. It was not an attempt to undermine the CDBG program. It was not an attempt to get our foot in the door, as one of my colleagues said. Mr. Speaker, there is no better way to help poor people than to provide life safety for poor people. Today HUD has a system of measures that do not make sense, that are ridiculous, that are outrageous, as I just cited in two instances are a gross waste of taxpayers' money. I think, Mr. Speaker, the program needed reform and I will continue this effort, hopefully with my colleagues' support. Mr. Speaker, again I want to thank our colleagues who voted for the amendment. For those who did not I would ask them to reconsider. I now want to focus the attention of our colleagues on the other body.

Mr. Speaker, we need to create an awareness among our Senate colleagues that this issue is extremely important. I would ask my colleagues to lobby the leaders in the other body on the need to move this legislation to provide this $100 million of funding. On the way home from Washington last week, Mr. Speaker, I had the pleasure of a phone conversation with a distinguished Senator from Delaware, BILL ROTH, who this year is chairman of the Congressional Fire and EMS Caucus which I formed 13 years ago. Senator ROTH has said that he will champion this issue in the Senate and even though Senator LOTT has said he will not bring up an emergency supplemental bill as an individual piece of legislation, Senator ROTH has said he will champion the amendment that I offered as a separate freestanding effort in the Senate. Mr. Speaker, we need our colleagues to use every bit of energy to convince every member of the other body to support Senator ROTH's efforts in moving this $100 million piece of legislation through in a very quick and timely manner. I would encourage our colleagues to enlist the support of their constituents all across America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUYKENDALL). The Chair must remind the gentleman that he is to not ask for action in the other body.

Mr. WELDON of Pennsylvania. I am asking our colleagues, Mr. Speaker, to respond. I am not asking for action in the other body. I am asking our colleagues to use their influence and their influence with other individuals to support legislation that we have passed here.

The SPEAKER pro tempore. The gentleman should refrain from urging any particular action on the part of the Senate.

Mr. WELDON of Pennsylvania. I am not asking the Senate to do anything, Mr. Speaker. I am asking our colleagues who are in the House to take appropriate action. I am not challenging the other body to do anything. If the parliamentarian would listen to my statement, I am challenging the Members of this body who happen to be our colleagues in the House to take action and support the legislation we passed last Thursday.

□ 2045

Mr. WELDON of Pennsylvania. Mr. Speaker, so I do not get the Parliamentarian upset again, I will just say that to all of our colleagues who supported the amendment last week, I would encourage them to continue to exert their full influence in having the legislation that we passed not just leave this body quickly with the support of the Speaker, but to also be joined in a bipartisan effort to become law. I would urge our Members to use their voice to convey that message to their constituents all across America, because passage in this body is not enough. It is a nice message, it is a great win, but it does not, in fact, become law until the entire process is completed.

So, Mr. Speaker, I encourage our colleagues to use their voices with their constituents and interact with their constituents across America to get the message of the importance of fire and life safety across this Nation.

Mr. Speaker, again I want to thank all of our colleagues on both sides of the aisle for their actions. I want to thank them for their support. This measure is historic. It is an unprecedented event and is one that I hope will eventually become law, and with the support of the Nation's First Responders, I am confident that will happen.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIAZ-BALART (at the request of Mr. ARMEY) for today on account of official business in his district.

SPECIAL ORDERS GRANTED

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

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

Ms. KAPTUR, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BARCIA, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

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

Mr. NORWOOD, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, April 11.

Mr. METCALF, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 5, 2000, 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:

6931. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting the Secretarial Determination To Temporarily Waive The Applicability Of 10 U.S.C. Subsection 2466(a); to the Committee on Armed Services.

6932. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting the annual report on Access and Purchase Restrictions in Overseas Commissionary and Exchange Stores; to the Committee on Armed Services.

6933. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule— Loans in Areas Having Special Flood Hazards—received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6934. A letter from the Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Preparing Tomorrow's Teachers To Use Technology (RIN: 1840–AC81) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6935. A letter from the Chairman, Board of Trustees, Harry S. Truman Scholarship Foundation, transmitting the Foundation's annual report for 1999, pursuant to 20 U.S.C. 2012(b); to the Committee on Education and the Workforce.

6936. A letter from the Acting Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 1999, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

6937. A letter from the Secretary, Department of Health and Human Services, transmitting a report of surplus real property

transferred in FY 1999 for public health purposes, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform.

6938. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions and Deletions—received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6939. A letter from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting notification that the inventory of commercial activities currently being performed by Federal employees has been completed; to the Committee on Government Reform.

6940. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 1999 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6941. A letter from the Chairwoman, Equal Employment Opportunity Commission, transmitting the 1999 Assurance Statement and Report; to the Committee on Government Reform.

6942. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register; to the Committee on Government Reform.

6943. A letter from the Chairman, National Transportation Safety Board, transmitting the Inventory of Commercial Activities; to the Committee on Government Reform.

6944. A letter from the Secretary of Education, transmitting the Federal Managers' Financial Integrity Act Report for Fiscal Year 1999; to the Committee on Government Reform.

6945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cameron, MO [Airspace Docket No. 99–ACe-49] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Estherville, IA [Airspace Docket No. 99–ACE–54] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6947. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the response to the Report of the Congressional Commission on Servicemembers and Veterans Transitions Assistance; to the Committee on Veterans' Affairs.

6948. A letter from the Secretary of Defense, transmitting the report entitled, ''Outreach to Gulf War Veterans''; jointly to the Committees on Armed Services and Veterans' Affairs.

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. COMBEST: Committee on Agriculture. H.R. 728. 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 resource projects previously funded by the Secretary under such Act or related laws; with an amendment (Rept. 106–484 Pt. 2).

Mr. LINDER: Committee on Rules. House Resolution 457. Resolution providing for consideration of the bill (H.R. 3660) to amend title 18, United States Code, to ban partial-birth abortions (Rept. 106–559). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2328. A bill to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program; with an amendment (Rept. 106–560). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1775. A bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; with an amendment (Rept. 106–561 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Resources discharged from further consideration. H.R. 728, 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 resource projects previously funded by the Secretary under such Act or related laws referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1775. Referral to the Committee on Resources extended for a period ending not later than June 9, 2000.

H.R. 3615. Referral to the Committee on Commerce extended for a period ending not later than April 5, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JACKSON of Illinois:

H.R. 4161. A bill to strengthen the rights of workers to associate, organize and strike, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JACKSON of Illinois (for himself, Mr. FATTAH, Ms. NORTON, Mr. BARRETT of Wisconsin, Mr. CLAY, Mr. DAVIS of Illinois, Mr. FARR of California, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Ms. SCHAKOWSKY, and Ms. CARSON):

H.R. 4162. A bill to assure protection for the substantive due process rights of the innocent, by providing a temporary moratorium on carrying out of the death penalty to assure that persons able to prove their innocence are not executed; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. PORTMAN, Mr. HAYWORTH, Mr. COYNE, Mr. RANGEL, Mr. CRANE, Mr. THOMAS, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. NUSSLE, Mr. SAM JOHNSON of Texas, Ms. DUNN, Mr. COLLINS, Mr. ENGLISH, Mr. WATKINS, Mr. WELLER, Mr. HULSHOF, Mr. MCINNIS, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. MATSUI, and Mr. BECERRA):

H.R. 4163. A bill to amend the Internal Revenue Code of 1986 to provide for increased fairness to taxpayers; to the Committee on Ways and Means.

By Mr. BACHUS (for himself, Mr. PAUL, Mr. DELAY, Mr. JONES of North Carolina, Mr. BARR of Georgia, and Mr. RILEY):

H.R. 4164. A bill to prohibit the Board of Governors of the Federal Reserve System from implementing certain proposed revisions to Regulation B of the Board that would allow the race, color, religion, national origin, or sex of an applicant for a nonmortgage credit product to be noted on the application with the applicant's consent; to the Committee on Banking and Financial Services.

By Mr. CANNON (for himself, Mr. GEORGE MILLER of California, Mr. BILBRAY, Mr. FILNER, Mr. HANSEN, Mrs. NAPOLITANO, Mr. HUNTER, Ms. BERKLEY, Mr. DREIER, Mr. PASTOR, Mr. SHADEGG, Mr. BERMAN, Mr. SALMON, Mr. UDALL of Colorado, Mr. GIBBONS, Mr. UDALL of New Mexico, Mr. KOLBE, Mr. BACA, Mr. STUMP, Ms. PELOSI, Mr. HERGER, Mr. SERRANO, Mr. HAYWORTH, Ms. SCHAKOWSKY, Mr. MCINNIS, Mr. ORTIZ, Mr. HORN, Ms. VELAZQUEZ, Mr. CUNNINGHAM, Mr. BLUMENAUER, Mr. RADANOVICH, Ms. BALDWIN, Mr. COOKSEY, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. SESSIONS, Mr. WEINER, Mr. BECERRA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. REYES, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. UNDERWOOD, Mr. LIPINSKI, Mr. FORBES, Mr. CUMMINGS, Mrs. MEEK of Florida, and Ms. MILLENDER-MCDONALD):

H.R. 4165. A bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Commerce, and Resources, 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. CONDIT:

H.R. 4166. A bill to amend title 18, United States Code, to provide criminal penalties for the harassment of victims of Federal offenses by the convicted offenders; to the Committee on the Judiciary.

By Mr. DELAHUNT (for himself, Mr. LAHOOD, Mr. CONYERS, Mr. SCARBOROUGH, Mr. SCOTT, Mr. HOUGHTON, Mr. STUPAK, Mr. BOEHLERT, Ms. SCHAKOWSKY, Mr. BARRETT of Wisconsin, and Mr. HASTINGS of Florida):

H.R. 4167. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. FROST, Mr. MENENDEZ, Mr. RANGEL, Mr. NEAL of Massachusetts, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. JEFFERSON, Mrs. THURMAN, Mr. BECERRA, Ms. DELAURO, Ms. PELOSI, Mr. HOYER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Mr. BALDACCI, Ms. BALDWIN, Mr. BARRETT of Wisconsin, Ms.

BERKLEY, Mr. BERRY, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mrs. CLAYTON, Mr. CLYBURN, Mr. CROWLEY, Ms. DANNER, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DEFAZIO, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DIXON, Mr. DOOLEY of California, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FORBES, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Mr. HILL of Indiana, Mr. HILLIARD, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Mr. LARSON, Ms. LEE, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MALONEY of New York, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MINGE, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PHELPS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROTHman, Mr. RUSH, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SANDLIN, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHOWS, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Ms. STABENOW, Mr. STENHOLM, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TURNER, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Ms. VELAZQUEZ, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Mr. WEYGAND, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 4168. A bill to amend the Internal Revenue Code of 1986 to require increased reporting by political organizations; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself and Ms. BERKLEY):

H.R. 4169. A bill to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the ''Barbara F. Vucanovich Post Office Building''; to the Committee on Government Reform.

By Mr. HAYWORTH (for himself, Mr. GIBBONS, and Mr. YOUNG of Alaska):

H.R. 4170. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar form, in the same manner as stocks and bonds for purposes of the maximum capital gains rate for individuals; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 4171. A bill to amend title 49, United States Code, relating to the transportation of hazardous materials; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON-LEE of Texas (for herself, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. SERRANO, Mrs. NAPOLITANO, Ms. LOFGREN, Mr. STARK, Mr. RODRIGUEZ, Mr. BECERRA, Ms. BERKLEY, Mrs. MALONEY of New York, Mr. WEXLER, Mr. MATSUI, Ms. SCHAKOWSKY, Mr. ORTIZ, Ms. LEE, Mr. FRANK of Massachusetts, Mr. MENENDEZ, Mr. JACKSON of Illinois, Mr. RANGEL, Mr. REYES, Mr. ENGEL, and Ms. KILPATRICK):

H.R. 4172. A bill to amend section 249 of the Immigration and Nationality Act to permit the Attorney General to create a record of lawful admission for permanent residence for certain aliens who entered the United States prior to 1986; to the Committee on the Judiciary.

By Mr. KUYKENDALL (for himself, Mr. BILBRAY, and Mr. SAM JOHNSON of Texas):

H.R. 4173. A bill to amend title 5, United States Code, to provide that members of the uniformed services may participate in the Thrift Savings Plan; to the Committee on Government Reform.

By Mr. KUYKENDALL (for himself, Mr. BILBRAY, Mr. WELLER, Mr. HOUGHTON, and Mr. SAM JOHNSON of Texas):

H.R. 4174. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain retention and reenlistment bonuses for members of the Armed Forces; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Ms. DELAURO, Mr. WAXMAN, Ms. LEE, Mrs. MEEK of Florida, Mr. BROWN of Ohio, Ms. KAPTUR, Ms. ROYBAL-ALLARD, Mr. HINCHEY, Ms. NORTON, Ms. PELOSI, Mr. KUCINICH, and Mr. FOLEY):

H.R. 4175. A bill to amend the meat and poultry inspection laws to extend the mandatory nutrition information labeling requirements of the laws to single-ingredient, raw meat and poultry products; to the Committee on Agriculture.

By Mr. NADLER (for himself, Mr. POMEROY, and Mr. BACA):

H.R. 4176. A bill to provide grants to partnerships to establish and carry out information technology training programs and to provide incentives for educators to obtain information technology certification, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TRAFICANT:

H.R. 4177. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage by $1 over 2 years; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas:

H.R. 4178. A bill to establish a crime prevention and computer education initiative; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H. Res. 458. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued on the subject of autism awareness; to the Committee on Government Reform.

By Mr. SCHAFFER (for himself, Mrs. ROUKEMA, Mr. DEMINT, Mr. SAM JOHNSON of Texas, Mr. PAUL, Mrs. CHENOWETH-HAGE, Mr. LARGENT, Mr. CHABOT, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. COBURN, Mr. LINDER, Mr. TANCREDO, Mr. HOEKSTRA, Mr. TERRY, Mr. GREEN of Texas, Mr. KUCINICH, and Mr. MCCOLLUM):

H. Res. 459. A resolution expressing the sense of the House of Representatives with respect to promoting the use of proven academic and classroom-management solutions for problems of behavior, attention, and learning in school children; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

304. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 183 memorializing the Congress and the President of the United States to maintain or improve our Nation's commitment to military retirees to provide lifetime health care; to the Committee on Armed Services.

305. Also,a memorial of the Legislature of the State of Oregon, relative to House Memorial 1 memorializing the President and Congress of the United States to reject and condemn any suggestions that sexual relationships between children and adults are anything but abusive, destructive, exploitive, reprehensible and punishable by law; to the Committee on Education and the Workforce.

306. Also,a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial 9 memorializing the Congress of the United States and the President to prohibit federal recoupment of state tobacco settlement recoveries; to the Committee on Commerce.

307. Also,a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 119 memorializing the National Institutes of Health to withdraw its proposed guidelines for federally funded research using stem cells harvested from human embryos; to the Committee on Commerce.

308. Also,a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 253 memorializing the National Institutes of Health to withdraw proposed guidelines for Federally funded research using stem cells destructively harvested from human embryos; to the Committee on Commerce.

309. Also,a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial 4 memorializing the President and the Congress of the United States to ensure protection and respect for the State of Oregon's authority to allocate water and to determine and administer rights to the use of water and to promote the expeditious completion of the adjudication of the Klamath River; to the Committee on Resources.

310. Also,a memorial of the Legislature of the State of Idaho, relative to Senate Concurrent Resolution No. 129 memorializing the Congress of the United States to purpose an amendment to the Constitution of the United States of America requiring, in the absence of a national emergency, that the total of all federal outlays for any fiscal year shall not exceed the total of all receipts for that fiscal year, which amendment may also limit the power of Congress to increase federal taxes, and remit it to the several states for ratification; to the Committee on the Judiciary.

311. Also,a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial 8 memorializing the United States Congress to take whatever steps are necessary to ensure the 2000 federal decennial census is conducted fairly and legally; jointly to the Committees on Government Reform and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HASTINGS of Florida introduced a bill (H.R. 4179) for the relief of Sophonie Telcy; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 22: Mr. KASICH.
H.R. 123: Mr. HASTINGS of Washington.
H.R. 323: Mr. OWENS.
H.R. 371: Mr. WEINER.
H.R. 534: Mr. SANDERS and Mr. LATOURETTE.
H.R. 721: Mr. NUSSLE.
H.R. 732: Mr. KLINK.
H.R. 750: Ms. ROYBAL-ALLARD.
H.R. 786: Mr. STUMP.
H.R. 852: Mr. SMITH of Texas.
H.R. 870: Mr. WAMP.
H.R. 957: Mr. SHIMKUS, Mr. GILCHREST and Mr. BRADY of Texas.
H.R. 979: Mr. HOLT, Mrs. THURMAN, and Mr. HASTINGS of Florida.
H.R. 1032: Mr. MCKEON and Mr. GREENWOOD.
H.R. 1070: Mr. ISAKSON.
H.R. 1102: Ms. LOFGREN.
H.R. 1112: Mr. GONZALEZ.
H.R. 1195: Mr. ANDREWS.
H.R. 1322: Mr. DAVIS of Virginia, Mr. SCARBOROUGH, Mrs. JONES of Ohio, Mr. ROHRABACHER, Mr. SMIGH of Washington, and Mr. YOUNG of Florida.
H.R. 1396: Ms. VELÁZQUEZ and Mr. BOUCHER.
H.R. 1590: Mr. TOWNS.
H.R. 1611: Mr. HERGER.
H.R. 1621: Mr. FORD, Ms. VELÁZQUEZ, Ms. BERKLEY, and Ms. SANCHEZ.
H.R. 1708: Mr. MANZULLO.
H.R. 1781: Mr. RAHALL, Mrs. JOHNSON of Connecticut, Mr. CROWLEY, and Mr. DEFAZIO.
H.R. 1871: Ms. SCHAKOWSKY.
H.R. 1912: Mr. ABERCROMBIE.
H.R. 2120: Mr. DAVIS of Illinois.
H.R. 2265: Mr. GREEN of Texas.
H.R. 2340: Mr. TURNER, Mr. BLAGOJEVICH, Mr. HUTCHINSON, Mr. LIPINSKI, Mr. SNYDER, Mr. BACHUS, and Mr. LARSON.
H.R. 2451: Ms. DUNN.
H.R. 2544: Mr. HASTINGS of Washington.
H.R. 2594: Mr. FRANK of Massachusetts and Ms. SCHAKOWSKY.
H.R. 2686: Mrs. MORELLA.
H.R. 2727: Mr. PETERSON of Pennsylvania.
H.R. 2736: Mr. KIND, Mr. ROMERO-BARCELÓ, Mr. HOLDEN, and Ms. DELAURO.
H.R. 2789: Mr. WISE.
H.R. 2814: Ms. JACKSON-LEE of Texas.
H.R. 2858: Mr. WHITFIELD.
H.R. 2919: Ms. LEE.
H.R. 2966: Mr. NUSSLE.
H.R. 3004: Ms. CARSON, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. BERMAN, Mr. KLINK, Mr. SMITH of Washington, and Ms. BERKLEY.
H.R. 3065: Mr. KUCINICH.
H.R. 3083: Mr. LAFALCE.
H.R. 3140: Mr. RODRIGUEZ.
H.R. 3143: Mr. ABERCROMBIE.
H.R. 3173: Mr. THUNE and Mr. GREEN of Wisconsin.
H.R. 3192: Ms. LEE, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. LIPINSKI, Mr. FILNER, Mr. MADLER, Mr. VENTO, and Ms. DANNER.
H.R. 3193: Mr. TIAHRT and Mr. QUINN.
H.R. 3225: Mr. FROST and Mr. PICKERING.
H.R. 3235: Ms. ROYBAL-ALLARD and Mr. GARY MILLER of California.
H.R. 3293: Mr. MURTHA, Mr. DICKEY, Mr. PASTOR, Mr. WATTS of Oklahoma, Mr. WU, Mr. DEUTSCH, AND Mr. GEPHARDT.
H.R. 3294: Mr. MANZULLO.
H.R. 3301: Mrs. THURMAN, Mrs. LOWEY, Ms. PRYCE of Ohio, and Mrs. KELLY.
H.R. 3392: Mr. SKELTON.
H.R. 3418: Mr. DEFAZIO and Mr. THORNBERRY.
H.R. 3439: Mr. WAMP, Mr. LAMPSON, and Mr. PITTS.
H.R. 3500: Mr. HOEFFEL, Mr. SWEENEY, Ms. BALDWIN, Mr. WOLF, and Mr. BLUMENAUER.
H.R. 3561: Mr. WU.
H.R. 3573: Mr. COBURN, Mr. JACKSON of Illinois, and Mr. SCHAFFER.
H.R. 3580: Mr. WEINER, Mr. SMITH of New Jersey, Mr. GEKAS, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, Mr. FORBES, Mr. CROWLEY, Mr. NADLER, Mr. RILEY, Mr. WAMP, Mr. FATTAH, Mr. OXLEY, Mr. BASS, Mr. HOLDEN, Mr. REYNOLDS, Mr. BOUCHER, Mr. CRAMER, Mr. LANTOS, Mr. VENTO, Mr. EWING, Mr. BROWN of Ohio, Mr. GONZALEZ, Mr. UDALL of Colorado, Mr. WELDON of Pennsylvania, Mr. SAXTON, Mr. SOUDER, Mr. JENKINS, Mr. ACKERMAN, Mr. FORD, Mr. SHAYS, and Mr. HINCHEY.
H.R. 3594: Mr. KENNEDY of Rhode Island and Mr. ANDREWS.
H.R. 3610: Mr. OWENS and Mr. WEYGAND.
H.R. 3660: Mr. PETERSON of Pennsylvania and Mr. TERRY.
H.R. 3680: Mr. MINGE, Mr. GILMAN, Mr. NEY, Mr. MATSUI, Mr. KENNEDY of Rhode Island, Mr. GRAHAM, Mr. BOEHLERT, Mr. WEXLER, and Mr. DINGELL.
H.R. 3686: Mr. GEORGE MILLER of California.
H.R. 3766: Mr. PASCRELL.
H.R. 3807: Mr. ROTHMAN.
H.R. 3812: Ms. ESHOO and Ms. LOFGREN.
H.R. 3880: Mr. GREEN of Wisconsin, Mr. PALLONE, and Mr. KENNEDY of Rhode Island.
H.R. 3896: Ms. PRYCE of Ohio.
H.R. 3901: Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. JEFFERSON, and Mr. GUTIERREZ.
H.R. 3915: Mr. STUMP, Mr. TAYLOR of Mississippi, and Mr. FILNER.
H.R. 3916: Ms. BERKLEY, Mr. PASTOR, Mr. STEARNS, Mr. ISTOOK, and Mr. COLLINS.
H.R. 3983: Mr. BONILLA, Mr. WEXLER, Mr. DAVIS of Florida, Mr. UPTON, and Mr. SANDLIN.
H.R. 4006: Mr. MCINNIS.
H.R. 4017: Mr. DEFAZIO.
H.R. 4018: Mr. CASTLE and Mr. GUTKNECHT.
H.R. 4033: Mr. LANTOS, Mr. BOEHLERT, and Mr. HORN.
H.R. 4036: Mr. TRAFICANT and Ms. KILPATRICK.
H.R. 4041: Mr. HOEFFEL.
H.R. 4042: Mr. HOEFFEL, Mr. DINGELL, and Mr. GANSKE.
H.R. 4051: Mr. TALENT and Mr. LEWIS of Kentucky.
H.R. 4057: Mr. LATOURETTE, Ms. WOOLSEY, Mr. EHLERS, and Mr. SMITH of Washington.
H.R. 4076: Mr. GREEN of Wisconsin and Mr. LARGENT.
H.R. 4124: Mr. SMITH of Washington, Mr. COMBEST, and Mr. BARTON of Texas.
H.R. 4149: Mr. UPTON and Mr. PICKERING.
H. Con. Res. 77: Mr. HUTCHINSON.
H. Con. Res. 181: Mr. LEWIS of Kentucky.
H. Con. Res. 229: Mr. SCARBOROUGH.
H. Con. Res. 249: Mr. KUCINICH.
H. Con. Res. 266: Mr. DEUTSCH, Mrs. MYRICK, Ms. SCHAKOWSY, and Mr. STEARNS.
H. Con. Res. 271: Mr. BLUNT, Mr. WAXMAN, Mr. HALL of Ohio, Mr. SAXTON, Mr. LUCAS of Oklahoma, Mr. MCGOVERN, Mr. BEREUTER, Mrs. MALONEY of New York, Mr. SHAYS, Mrs. KELLY, Mr. OWENS, Mr. KING, Mr. SANDERS, Mrs. MINK of Hawaii, and Mr. ROMERO-BARCELO.
H. Con. Res. 275: Mr. GOODLING, Mr. CROWLEY, Mr. TANCREDO, Mr. MCINTOSH, and Mrs. MEEK of Florida.
H. Con. Res. 285: Mr. GIBBONS and Mr. HOSTETTLER.
H. Con. Res. 286: Mr. PALLONE, Mr. WYNN, Mr. BRADY of Texas, and Mr. PRICE of North Carolina.
H. Res. 437: Mr. GREENWOOD, Ms. RIVERS, Mr. BALDACCI, and Mr. GEJDENSON.
H. Res. 443: Mr. ABERCROMBIE.
H. Res. 425: Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. PHELPS, and Ms. CARSON.

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. 1824: Mr. MASCARA.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

83. The SPEAKER presented a petition of the Asociacion de Pensionados del Gobierno de Puerto Rico, relative to Resolution No. 5 petitioning the President of the United States and the Congress to hear the voice of the People of Vieques, cancel permanently the warfare practices in Vieques and order the U.S. Marines to leave Vieques in a reasonable time; jointly to the Committees on Armed Services and Resources.

84. Also,a petition of the City Council, Canton, Ohio, relative to Resolution No. 79 petitioning the U.S. Congress to fully fund CDBG in the year 2000, at a minimum, at the FY 1999 level; jointly to the Committees on Banking and Financial Services and the Budget.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1776

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 2: Page 59, after line 23, insert the following new section:

SEC. 212. TASK FORCE ON SUB-PRIME AND PREDATORY LENDING.

(a) ESTABLISHMENT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall establish, and appoint members under subsection (b) of, a task force (in this section referred to as the ''Task Force'') on sub-prime and predatory lending practices.

(b) MEMBERSHIP.—The Task Force shall consist of not less than 10 members appointed by the Secretary who shall include—

(1) not less than 2 individuals who represent lending institutions;

(2) not less than 2 individuals who represent community development interests or community development organizations;

(3) not less than 2 individuals who represent older Americans or organizations for older Americans;

(4) not less than 2 individuals who represent the interests of States or municipalities; and

(5) not less than 2 individuals who represent national civil rights organizations that emphasize or are involved in fair housing or fair lending issues.

In making appointments under this subsection, the Secretary shall give preferential consideration to individuals who, or who represent organization that, have experience and knowledge regarding the issues of subprime and predatory lending practices.

(c) DUTIES.—The Task Force shall study and examine—

(1) the extent, methods, and detrimental effects on residential mortgage lending, housing availability and affordability, and existing homeowners, of—

(A) sub-prime lending practices in residential mortgage lending, including any practices under which borrowers who have impaired credit or are not considered prime credit risks are charged higher rates of interest or higher fees; and

(B) predatory lending practices in residential mortgage lending, including high-pressure tactics, door-to-door solicitations, targeting of vulnerable populations, steering to higher-cost loan products regardless of qualification for lower-cost products, excessive refinancing (known as flipping), fraudulent home improvement loan practices, charging of excessive interest rates and fees (including 'packing' loans with unnecessary fees and padding closing costs or third party fees), use of loan terms that trap borrowers into unaffordable financing (including such use of balloon payments, negative amortization, prepayment penalties, and asset-based lending), and other fraudulent or deceptive practices;

(2) the extent of the use of such practices in connection with mortgages insured by the Secretary under the National Housing Act and the effects of such practices on the mortgage insurance programs and funds of the Secretary; and

(3) the implications of civil rights laws, fair lending laws, and fair housing laws on such practices.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Task Force shall submit a report to the Congress and to the Secretary regarding the results of the studies and examinations conducted under subsection (c), which shall include any recommendations, including recommendations for administrative and legislative actions, for reducing the extent and detrimental effects of sub-prime and predatory lending practices.

H.R. 1776

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: Page 78, after line 20, insert the following new section:

SEC. 408. FAIR HOUSING COMPLIANCE.

(a) IN GENERAL.—Section 104 of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) is amended by adding at the end the following new subsection:

''(n) FAIR HOUSING COMPLIANCE.—To ensure compliance with the certifications made under sections 104(b)(2) and 106(d)(5)(B), each grantee under section 106 and each unit of general local government receiving grant amounts pursuant to section 106(d) shall maintain, and update annually, an analysis of impediments to fair housing and a fair housing action plan. The Secretary shall monitor compliance with the requirement under the preceding sentence and may, by regulation, establish standards and requirements for such analyses and plans and penalties for failure to comply with this subsection and with such standards and requirements.''.

H.R. 1776

OFFERED BY: MS. PELOSI

AMENDMENT NO. 4: Page 28, line 24, after the comma insert ''except that elementary education shall include pre-Kindergarten education, and''.

H.R. 3671

OFFERED BY: MR. UDALL OF COLORADO

AMENDMENT NO. 1. Page 30, after line 6 insert the following:

SEC. 304. IMPLEMENTATION REPORT.

(a) TIMING.—At the time the President submits a budget request for the Department of the Interior for the first fiscal year beginning after the date of enactment of this Act, the Secretary of the Interior shall inform the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate about the steps taken to comply with this Act.

(b) CONTENTS.—The report required by this section shall indicate—

(1) the extent to which compliance with this Act has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration Programs;

(2) any revisions to this Act that would be desirable in order for the Secretary to adequately administer such programs and assure that funds provided to state agencies are properly used; and

(3) any other information regarding the implementation of this Act that the Secretary considers appropriate.

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Senate

The Senate met at 9:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, we need You. In Your presence we feel Your grace. We are assured that we are loved and forgiven. You will replenish our diminished strength with a fresh flow of energy and resiliency. The tightly wound springs of tension within us are released and unwind until there is profound peace inside. We relinquish our worries to You and the anxiety drains away. We take courage because You have taken hold of us. We spread out before You the challenges of the day ahead and see them in the proper perspective of Your power. We dedicate ourselves to do things Your way under Your sway. And now, Your joy that is so much more than happiness fills us and we press on to the work of the day with enthusiasm. It's great to be alive! Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from New Mexico is recognized.

SCHEDULE

Mr. DOMENICI. Mr. President, on behalf of the leader, I have an announcement. Today, the Senate will begin consideration of S. Con. Res. 101, the budget resolution. Amendments will be offered throughout the day. Therefore, Senators can expect rollcall votes occurring during today's session. Those Senators who intend to offer amendments should work with the chairman and ranking member on a time to offer and debate their amendments.

As a reminder, votes will occur throughout the week in an effort to complete action on the budget resolution no later than the Friday session of the Senate. If we are diligent, we might finish Friday night, although we do have a total of 50 hours of debate and there are certain conditions that make that a little bit longer than 50 hours in terms of adding up time on the floor.

As a further reminder, the Senate will recess from 12:30 until 2:15 today to accommodate the weekly party conference luncheons.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001 THROUGH 2005

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. Con. Res. 101, which the clerk will report by title.

The bill clerk read as follows:

A resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during consideration of the fiscal year 2001 concurrent budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. DOMENICI. I have brief opening remarks, after which time I will be pleased to yield to either the minority whip or the ranking member.

First, a couple of observations. We are now on the budget resolution. It is now pending before the Senate. Before I summarize the resolution as reported by the Budget Committee last week, let me cover a couple of housekeeping or managerial items. For those Senators and staff here, and those who might be listening, I remind everyone that the procedure for considering a budget resolution in the Senate is unique compared to other legislation and other legislative items that we debate and amend on the floor.

First, a budget resolution is privileged. That means proceeding to its consideration as we have done this morning could not have been delayed by a Senator by filibuster or otherwise.

Second, the underlying law, the Congressional Budget and Impoundment Control Act—not the resolution—effectively establishes the rules for considering this resolution. The first of the rules is that there is a time limit for considering a budget resolution. That time limit is 50 hours. Less time can always be taken. While it has never been used, a nondebatable motion to reduce debate time is always in order. The 50 hours does not count the time in the quorums immediately preceding a vote, nor does it count the actual voting time. Fifty hours is evenly divided between the sponsor and the opponents of the resolution.

An amendment or amendments in the first degree to the resolution are limited to 2 hours evenly divided between the mover of the amendment and its opponents. Additional time can be yielded off the overall resolution by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the manager or the ranking member, or their designee, if such time is still available under the 50-hour rule. Amendments to amendments are limited to 1 hour, again, evenly divided between the mover and the opponent. As before, if overall time exists on the resolution, Members can add time to the debate on the second-degree amendment.

The next discussion is where it gets a little bit difficult. Senators who may want to amend this resolution should note there are very particular rules that apply. First, the committee-reported budget resolution forms the basis of germaneness.

There are four types of germane amendments: One, an amendment to strike language or numbers, which is germane per se; second, an amendment to change dates or numbers; third, an amendment adding sense of the Senate for matters within the jurisdiction of the Budget Committee; and fourth, an amendment that limits some power in the resolution. If not germane, it will take three-fifths of the Senators' affirmative votes to waive the point of order. If not, the amendment will fall.

I emphasize these procedures so Senators and their staffs will not be surprised if a germaneness point of order is raised on their amendment.

Later in this debate we will follow the rules the act laid out for us considering a budget resolution, and we will try to finish it in an orderly manner before the week is complete. I will briefly summarize the reported resolution before us today.

First, let me say this annual exercise further strengthens my resolve to bring to the floor changes to this process, to change it into a biennial budget and biennial appropriations process. But we are charged with reporting an annual budget, and until the law is changed, or if it is changed, the committee-reported resolution abides by the current law.

I acknowledge that whatever fiscal policy we outline in any budget resolution the Senate considers this year, that resolution will be constructed in the heat of a very political year and it will, in truth, be ministered over by a new President and new Congress next year. So this resolution can only be a broad blueprint for fiscal policy. It allows us to complete our work expeditiously, if at all possible, this year. It recognizes the need for reform in many areas and that those reforms will undoubtedly have to wait until the next Congress and the next President.

While we now have the luxury of budgeting in a world of possible surpluses, that does not mean reform in Government is not necessary. Reforms to the process are needed, and this committee's resolution begins down that path so we can replace some cynicism that was built up about the Federal budgeting process with some minor but new enforcement tools. Some may not like them, but we are trying very hard to answer a call from many Senators that the budget resolution be enforced and that we understand precisely what we are doing and look to the resolution itself for how much we can spend and where we are going.

Reforms are needed to ensure the long-term solvency of the Social Security system, not simply placing more empty IOUs on future generations. We cannot reform the Social Security system without a President who is willing, and thus far we have not had such in the White House under the administration of President Clinton.

Reforms are needed in the Medicare program, not simply promising more politically popular benefits to a system in which, in 2010, the outgo will exceed income. In this budget resolution, we have provided $40 billion in two installments of $20 billion and $20 billion to do reform and add some prescription benefits, if that is what Congress decides to do.

Major reforms are needed to our Tax Code. We all know that. While the resolution before us proposes to make room for tax reductions, I acknowledge that until the unfairness of this system and its complexities are addressed, real tax reform waits.

Finally, reforms to government programs are broadly needed; there is no doubt about that. As GAO and the Congressional Budget Office have pointed out to us earlier this year, we really do not need 342 Federal economic-development-related programs. We really do not need 12 different agencies administering 35 different laws on food safety. It would seem one agency would be sufficient.

I am not sure we need over a dozen postsecondary education programs and 224 elementary and secondary education programs administered by the Department of Education with their overlapping, duplicating, inefficient delivery of Federal funds to States. Perhaps this year we will consider on the floor of the Senate some dramatic reforms that might alter the education system I have just described.

So when critics say this resolution does not provide enough for the discretionary accounts, both defense and nondefense, I have to respond: Not if you assume that everything the Government does today is done efficiently and effectively. But I am realistic, and reform of these programs will not come in the 70 days left in this Congress.

So the resolution before us is not everything an outgoing administration wants because, quite frankly, they are not going to be around to administer what I consider their bloated budget request. But it is a responsible step for the short amount of time left in Congress.

Let me conclude with some key points on this resolution.

No. 1, it protects Social Security. Not one penny of the Social Security surplus is touched.

No. 2, it balances the budget every year, not counting the Social Security surplus. In other words, even though we have not been able to adopt a lockbox, we have followed the premise and philosophy and substance of a lockbox; that is, none of the Social Security money surplus is being spent.

It retires debt held by the public, nearly $174 billion this year alone, and over $1.1 trillion over the next 5 years.

It sets aside $8 billion in non-Social Security surpluses for debt relief this year alone. In other words, that $8 billion could be spent without us touching the Social Security trust fund. We could still live up to that promise. But we have taken $8 billion of the surplus outside of Social Security and put that on the debt also.

It rejects the President's proposed cuts in Medicare. It strengthens Medicare and sets up a $40 billion reserve for a new prescription drug benefit immediately, with reform coming later.

Expenditures for the Department of Education would increase $4.5 billion this year, special ed would increase nearly $2.2 billion, and Head Start funding would be up nearly $255 million.

Funding for our national security would increase nearly 4.8 percent next year, up to $305.8 billion, nearly a $17 billion increase.

Funding for WIC, section 8 housing, National Park Service, highways and airports, all would increase next year, as would Head Start.

We provide immediate emergency assistance to depressed agricultural sections in the form of nearly $5.5 billion in income support needed this year, not next year.

And, yes, we provide $150 billion in tax relief for American families, for fairness and equity in the form of the marriage penalty, for small businesses and startups, for education and medical assistance. Remember, the President did not provide any tax relief for the next 5 years.

I believe this is a fair beginning. I am very hopeful we can have a lively debate about this on the floor of the Senate. For every $1 in tax relief, since there are those who continue to say the tax relief we seek is too big, too much, too risky—this resolution devotes $13 to debt reduction. For every $1 in tax relief, this resolution devotes $13 for debt reduction; 13-to-1 is the ratio in the first year. It is down to about 8-to-1 for the entire 5 years.

I believe it is a fair resolution. It is not a risky resolution, as some will claim. I contend that increasing spending for domestic programs nearly 14 percent next year, as the President would do, is much more risky to the future of Social Security and debt reduction than a modest tax reduction.

Let me explain. If you increased domestic discretionary spending by 14 percent a year, it would only take 3 years until you would have to use the Social Security surplus to pay for domestic spending. What does that mean? It means either the President sent us a one-time political year 14-percent increased budget or he is serious that we

need that amount every year to meet the so-called needs of domestic programs. In either case, it is not the right thing to do.

If it was sent up here as a one-time political budget with everything in it but the kitchen sink, then it should be denied. If it was sent up here to set a pattern for 3 or 4 years, then it truly would be an injustice to senior citizens and the Social Security trust fund.

But even if the tax reductions we plan for do not become law, we make sure every penny of that which would have gone to tax reductions is returned in the form of debt reduction, not new spending. So for those who say there will be no tax reduction or tax relief this year, and for the President who says even though Republicans will try, he will not let it happen, then obviously we will put another $150 billion, or some substantial portion of it, on the debt, which only adds to the numbers I have already discussed with you with reference to tax reduction in this budget resolution.

It is a resolution that will allow us to get our work done. I say to the Republicans, my side of the aisle, this budget resolution cleared the committee on a party line vote with every Republican voting for it and every Democrat voting against it. I do not know how it will turn out 3, 4, or 5 days from now, but I do hope Republicans will consider that what they want to change in it may, indeed, change whether or not we can adopt a budget resolution at all on the floor.

I hope Republicans will consult and talk with the chairman and manager of the bill as we consider this resolution so that our end product will be that we will pass a budget resolution and go to conference with the House and let our appropriations committees start their work.

I do want to say at the beginning and, obviously, I will at the end, that it has been a pleasure working with Senator LAUTENBERG. This is his last time managing the budget resolution because he will be leaving the Senate.

We started off not knowing each other very well, maybe being a little guarded about how we would think about what each one said, whether we would be cynical about it, whether we would believe it. I compliment him. His job has become very important to him, and he has become very important to this job. It will be a pleasure working with him for the next 4 or 5 days. I very much thank the Senator from New Jersey for what he has done. I thank everyone for listening.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank Senator DOMENICI. I appreciate his comments.

As noted, this is my last year as the ranking member of the Budget Committee. As everyone around here knows, the ranking member harbors usually one thought, and that is to move to the chairmanship to give their colleague on the other side of the aisle a chance to work as a ranking member, to understand fully what it is like.

Before I begin a discussion of the budget resolution—and I again thank Senator DOMENICI for his kind comments; the relationship has been a good one—it has been a privilege and an honor to represent the Senate Democrats on the Budget Committee, and I am going to miss it. In my early days in the Senate, I never played with the thought of being a leader in budget matters, never expecting to be the senior Democrat. In fact, I did not even in the beginning days intend to be on the Budget Committee. But I had a good friend whom I knew before I came to the Senate, Senator JOE BIDEN from Delaware. He pulled me aside early in my career and made me an offer that sounded too good to be true. ''FRANK,'' he said, ''you're such a good friend and such a good Senator that I'm going to resign my seat on the Budget Committee, and I'm going to give it to you.''

Only later did I come to realize what Senator BIDEN was really up to. He knew what the Budget Committee function was. He knew how difficult some of the discussions would become, and he knew conclusions arrived at are rarely satisfactory. I forgive him. It has taken me a decade to do that, and I am not going to hold a grudge any longer.

Seriously, while I fell into the position of ranking member—that is, the senior Democrat on the Budget Committee—I found it not only interesting but a rewarding position. One of the principal reasons is that I have had the privilege to serve with a very distinguished Senator, our chairman, PETE DOMENICI. Senator DOMENICI and I worked together from different beliefs, with very different views about Government and its proper role. While we have often disagreed, I have tremendous respect and even affection for him. We learned something about the personal sides of each other's lives, which reduces barriers that often arise from competitive views. When one understands what makes the other person tick and hears his concerns and lets him understand your concerns, it makes for a different kind of alliance than the traditional debate.

Over the years, we developed an appreciation and respect for one another. Senator DOMENICI's mastery of the budget comes not only from years of experience but lots of hard work as well. It comes from a genuine commitment he has to serving his country to the best of his ability. I have learned a lot from Senator DOMENICI, and I publicly thank him for his friendship over the years.

By their nature, debates on the budget tend to be more partisan than other debates. After all, setting a broad plan for allocating resources necessarily depends on judgments based on established principles we bring with us from our views and priorities influenced by our respective parties and affiliations.

It is no surprise that our parties have different perspectives on this. In fact, in some ways, this diversity of views is one of our Nation's great strengths; we can talk about these things and air our views and give the public a chance to hear what it is we are saying and in what we believe.

Still, I cannot help but regret that budget debates over the past decade have often become so entirely partisan. I saw it with the Democrats as well as Republicans. No one party is at fault. It does not serve the Nation as we would all want to do. I hope perhaps, if the era of surpluses can be sustained longer, we can finally inject more bipartisanship into the process.

I may represent Democrats, but I have respect for my colleagues on the other side of the aisle. I do not always appear to be understanding of their views, but they, too, adhere to the principles that brought them here. While it is not pleasant for me to accept it, I am often reminded: They were sent here as a majority by the people across this country and we have to respect or acknowledge that fact. But though I serve in the minority, I sincerely believe the approach the budget brings to the table is the right one for America. I know from personal experience that Government has a role to play, in my view, in the lives of our people and is to exercise that role responsibly.

I make that judgment based on personal experience. I have said it before on the floor of the Senate, and I will take a minute in this twilight of my career to restate it.

My father died when he was 43. My mother was 36. I had already enlisted in the Army. I watched my father's health disintegrate in front of my eyes—13 months of pain, agony, and degradation. He died, again, after I had enlisted in the Army. He died not only leaving the grief and the heartache which accompanies the death of a young man—my sister, my mother and I comprised the entire family; my sister was 12, and I was 18—not only did we experience the pain of the loss, but we were deeply in debt to doctors and hospitals. My mother tried her best to meet those obligations. I was sending home, when I had the opportunity, $50 a month out of my pay. That was not very much.

Oh, if we had only had health insurance at that time, if we had only some way for the Government to join us in our quest to stay alive as a family and do what my father always wanted us to do—be productive citizens.

My next experience which helped develop my thinking about Government's role was when I was able to take advantage of the GI bill after my service in World War II in Europe during the height of the war and go to a university that otherwise would have been unavailable to me. We could never have afforded the tuition no matter how

hard we worked because we also had to support and unite the three of us.

That GI bill made an enormous difference, not only in my life, but permit me a moment of immodesty to say that I helped create a business that created an industry, the computing industry, which is a bigger part of the computer atmosphere, the computer functioning, the computer industry, than the hardware side: Computing, providing services. We were pioneers. And I am a member of something called the Hall of Fame of Information Processing in Dallas, TX.

Education enabled me to do that. I became very active in philanthropy and was national chairman of one of the largest charities in the world. At the same time, I ran a company that employed lots and lots of people—over 16,000—when I came to this Senate.

So much of what I have done has been dependent on the education I was able to receive as a contribution by my fellow Americans and my country.

Then, the privilege of serving here for 18 years has made an impression on me that will last for life.

That is how I have acquired my view of what Government's role might be. And we dare not turn our back on it.

With that, I will turn to the business directly at hand.

Mr. President, in my role as ranking member, I begin by laying out the broad budget principles with which most Democrats agree. Perhaps most fundamentally, Democrats believe the budget should address the needs of ordinary Americans as it prepares our Nation for the future. It should strengthen Social Security and Medicare; provide prescription drug coverage for our seniors desperate for some relief as they try to protect their health from the financial burden of high prescription costs; invest in education, health care, defense, and other compelling needs.

We should provide targeted tax cuts for those struggling to advance the well-being of the next generation. At the same time, it should maintain fiscal discipline, reduce our debt, as most people in our country would want to do on a personal basis. The happiest day for lots of families is when the mortgage is paid off or when the bills are finally paid for something that was necessary to acquire or, as we know these days, to help people provide an education or assist in providing an education for their children. At the same time, we want to protect our Nation's economic prosperity.

In my view, this budget resolution fails to meet these goals. It would use virtually the entire non-Social Security surplus for tax breaks that disproportionately benefit the wealthy. It would require deep and unrealistic cuts in domestic priorities, such as education and health care.

It proposes far less debt reduction than the budgets developed by President Clinton and the Senate Democrats. It fails to ensure that the Congress will consider legislation to establish a prescription drug benefit. Finally, by covering only 5 years of operations, unlike the 10 years we worked with last year, the resolution hides its long-term costs and weakens fiscal discipline.

I want to address each of these points.

The Congressional Budget Office, CBO, says that over the next 5 years, the non-Social Security surplus is going to be $171 billion. We do not have any disagreement about that. That is what they say. This assumes that Congress freezes discretionary spending at the current real levels, which means, very simply, that in order to protect the funding of these programs, we have to allow for some inflation increases, some inflationary adjustments, as modest as they might be.

In fact, if Congress increases domestic spending at the same rate as recent years, which has been higher than inflation, the actual surplus would even be smaller than that $171 billion.

Still, to give the majority the benefit of the doubt, we will ignore history for the moment and optimistically assume the non-Social Security surplus will be as projected, $171 billion.

The budget resolution, passed by the Republican majority, calls for tax breaks of $150 billion. I say that is at a minimum because there is a reserve there for additional increases.

But this reduction in future surpluses would also require that the Government would pay more interest on the outstanding debt, in this case $18 billion more. Thus, the real cost of the tax breaks isn't $150 billion; it is $168 billion when we add the $18 billion for additional interest. That consumes virtually the entire non-Social Security surplus of $171 billion. This isn't mysterious; it is plain arithmetic.

People watching this debate might ask themselves: If the tax breaks use virtually the entire non-Social Security surplus, how can the resolution also provide funding for any of the new initiatives it claims to support, such as increases in military spending, prescription drug coverage, agricultural risk management reform, payments to counties, nuclear waste disposal activities, and various other claims of increases in discretionary programs?

The real answer is, it cannot. There is no way to fit all of this new spending in roughly the $3 billion that remains of the non-Social Security surplus. The numbers just do not add up.

Unfortunately, the majority seeks to sidestep the problem by assuming huge unspecified cuts in domestic programs. The resolution calls for a 6.5-percent cut in nondefense discretionary programs over the next 5 years.

Because we are trying to address this to the public at large, I am going to take a moment to explain what this means.

A 6.5-percent cut in nondefense discretionary means, outside of defense, those programs that many of us think are essential that have been in place will get a 6.5-percent cut. A 6.5-percent cut over 5 years is pretty substantial because by the time you got to the fifth year, the cut enlarges to 8.2 percent. In fact, since the resolution claims to protect some specific programs, the cuts in other areas would be well over 10 percent.

The Office of Management and Budget has analyzed how cuts such as this could affect ordinary Americans. Here are just a few examples.

Mr. President, 20,000 teachers planned to be hired would not be hired. Those teachers were planned to be hired to reduce class sizes.

Five thousand communities would lose assistance to help construct and modernize their schools. There are not many people in this country who do not realize we have this enormous number of school buildings that are just inadequate for the purpose that they exist; that is, to provide an atmosphere where our children can learn. If plaster is falling from the ceilings, or there is no heating in the winter or ventilation in the summer, we know that is not an atmosphere conducive to learning.

So there are 5,000 communities that would get help, but they won't under the Republican plan; 62,000 fewer children would be served by the Head Start Program—one of the most successful programs this country has; 19,000 fewer researchers, educators, students receive support from the National Science Foundation. And if there is one place where America excels, it is in research and in science.

I took a trip to the South Pole in January. People ask, ''Why did you go there?'' It's a far and tough trip. I went there because I am worried about the climate, about the forecasts which talk about ever more severe tornadoes and things such as cyclones and other natural disasters. I wanted to know what is happening with the weather and climate studies that we do down there.

I will tell you, one need not be a scientist to know that we have problems. Now we are talking about an icefloe that is cracking away from the main part of the continent twice the size of Delaware. We had one the size of Rhode Island float off some years ago. One day we are going to see an iceberg, an icefloe that is the size of Texas. What are we going to do about that? Are we going to say maybe we can push it back and glue it together? Everybody knows that is not going to happen. It says the ice is melting at an ever faster rate, and 70 percent of the fresh water in the world exists at the South Pole. If that starts mixing with the saline of the oceans, we will have serious problems. They may not be problems that affect anybody working in this room today, but I worry about my grandchildren and about their children and about the future of mankind.

There will be 19,000 fewer researchers. Funding for all new federally led cleanups of toxic waste sites would be eliminated. I notice that the Republican

candidate for President, George W. Bush, announced his interest in a brownfields program, which is something we have been trying to do here for a long time. I am glad to see that acknowledgement take place, to turn these fallow sites into productive, functioning areas where business can flourish and people can visit. We can give some life to some communities—many of them urban communities that are in various stages of decay and would like to be able to move up and away from that.

We would have 430 fewer border patrol people available to safeguard our borders. Everybody knows what that problem is.

The list goes on and on. As most people around here recognize, cuts of this magnitude are totally unrealistic, and they are not going to happen. We are going to play games—ping-pong—with the budget of the United States. In the final analysis, neither Republicans nor Democrats will tolerate these cuts.

This is not the first time the Senate has assumed deep, unspecified cuts in a budget resolution. Last year's resolution included similarly unrealistic things. Not surprisingly, by the end of the year, the Republican majority—not the President—had approved the appropriations bills, spending about $35 billion more than it planned for the year initially. That is the same time and the same status that we have right now. No doubt, something similar is going to happen this year. We are not going to see Government close down. We learned that lesson. It was vivid and searing, and it is going to stay forever in our memories.

So we are not going to take those cuts that would make departments of Government inoperative or inadequate. Who is going to let go all these FBI agents and the border guards? One of the greatest concerns our citizens have is to be secure in their homes, on the streets, and in their communities. Are we going to reduce law enforcement? We are not. We may say so, or we may not even say so. We simply hide it in the volume of pages and numbers that are presented to the public.

Unfortunately, the Republican budget relies on these unrealistic cuts for its various increases in mandatory spending, such as aid to farmers, prescription drugs, and other programs long ago, for the most part, considered essential. The cost of those increases—$62 billion for those mandatory programs—would be locked in up front. The savings, however, would not be. When Congress later fails to make the assumed cuts in appropriations bills, funds for these new entitlements, it will come from only one place—Social Security.

One might think that assumptions of deep, unrealistic cuts in discretionary spending would allow the Republicans to claim significantly more debt reduction than the budgets proposed by Democrats. However, if one assumes that the Republican spending cuts actually materialize, which is extremely unlikely, if not impossible, the Republican budget still would reduce much less than President Clinton and Senate Democrats. The Republican plan will use non-Social Security surpluses to reduce only $19 billion, which is contrary to what is being said, over the next 5 years. By contrast, the President's budget would reduce the $90 billion of debt, over the same period, nearly five times as much. This difference in debt reduction helps show how extreme the GOP tax breaks are.

Throughout the markup on the resolution, Republicans claimed that their budget contained over $1 trillion of debt reduction. However, this figure is based almost entirely on Social Security surpluses, and these surpluses are off budget, and both parties have committed to protecting them. Yet when it comes to the portion of the budget that remains subject to congressional discretion, Republicans have refused to devote significant resources for debt reduction. In doing so, they have rejected repeated calls by Federal Reserve Chairman Alan Greenspan to make debt reduction our first priority.

My next concern about the budget resolution is that it fails to ensure Congress will act on legislation establishing a prescription drug benefit. This is in marked contrast with its treatment of tax breaks which the resolution's reconciliation instructions require of the Finance Committee. This differential treatment is troubling, especially given resistance from the Republican leadership to a meaningful universal benefit. I hope that as the debate proceeds we can take steps to ensure Congress really does approve a prescription drug benefit this year.

My final concern about the budget resolution is that it covers only 5 years—I mentioned that earlier—not the 10 included in last year's resolution. Those projections came out with—even though we know that forecasts are not necessarily precise, they are a gauge. Last year, we included them because it seemed to present a favorable position to the Republican few. This year, we dropped back to 5 years because they know very well that the second quintile is going to be one that spells disaster. This has the effect of hiding the long-term costs of its tax breaks, and it also weakens the budget resolution as a means of enforcing long-term fiscal discipline since points of order would not be available against tax breaks that explode in cost after 5 years.

During markup, it was suggested that the budget resolution should cover only 5 years because CBO produces only 5-year estimates. That isn't true. In fact, since last year, CBO has been producing 10-year projections. So why are these projections being ignored? Because they, again, don't like the outcome of the second 5 years. Thus, no longer is there a good excuse to restrict the budget resolution to only 5 years.

Considering that we are facing huge new liabilities when the baby boomers retire, we need to think longer term. We need to take all long-term costs into account when establishing and enforcing fiscal policy.

Thus, I reluctantly conclude that the Republican budget fails to prepare for our future or address the needs of ordinary Americans today. It allocates virtually the entire non-Social Security surplus for tax breaks. It would require drastic, unrealistic cuts in these particular programs—such as education and health care. It fails to make debt reduction a priority. It fails to ensure prompt action to provide prescription drugs to seniors. And it fails to maintain fiscal discipline for the long term.

For all of these reasons, I join with the Democrats on the Budget Committee in opposing this resolution.

When we discussed tax breaks and discussed what the standard bearer for the Republican party has advocated—tax breaks that come in at over $500 billion the first 5 years—there was a strange silence that took place over the majority of the Republicans sitting on the Republican side of the Budget Committee.

There were a couple of murmurs about: Well, we haven't given up. We are not going to pass that now.

They did that by a vote. One of our distinguished Democrats proposed it in a vote, and the support just wasn't there.

Again for these reasons, joining with the Democrats, I hope we can make appropriate adjustments and amend that process for a more realistic budget.

I look forward to working with colleagues on both sides of the aisle in an effort to improve the resolution before it gets voted on in the Senate.

I yield the floor.

I understand my colleagues are pressed for time and would like to speak. I hope they will be recognized at this point.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand the Senator from Illinois wants to speak. I will not interrupt as far as speaking. But I want to say to Senators on our side that we would like very much for anyone who has remarks on the budget to come down before we recess. Then we will start. We will not take any amendments until after we come back from that recess so that Democrats have a chance to talk in their caucus and we have a chance to talk in our policy luncheon.

If you want to speak about the resolution with general statements, we will be here until 12:30. Both sides are going to apply the same rules, according to Senator LAUTENBERG. There will be no amendments until after the 12:30 luncheon.

The PRESIDING OFFICER. Who yields time?

Does the Senator from New Jersey yield time?

Mr. LAUTENBERG. I do.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I seek to be recognized for 10 minutes and ask that my colleague from Oregon have 5 minutes, if that would be appropriate. We are going to a meeting. I think the Senator from California also is seeking recognition.

Mr. LAUTENBERG. I yield time in accordance with the Senator's request.

Mrs. BOXER. Mr. President, I ask the Senator from New Jersey if I could have 10 minutes.

Mr. LAUTENBERG. It would be a pleasure to allow my colleague from California to address the Senate.

The PRESIDING OFFICER. The Chair's understanding is that the Senator from Illinois is to be recognized for 10 minutes, the Senator from Oregon is to be recognized for 5 minutes, and the Senator from California is to be recognized for 10 minutes on Senator LAUTENBERG's time.

The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, very much.

Mr. President, I thank Senator LAUTENBERG of New Jersey, who is on the Budget Committee. This will be the last budget resolution he will manage on the floor. He is retiring from the Senate. We will miss him. He has been a leader on so many issues. I have worked with him on issues over the years such as gun control. He has certainly been a leader for his State and the Nation, and he has taken on a tough job in working on the Budget Committee.

We all acknowledge that the chairman of the committee, Senator DOMENICI, is a man we respect very much. We may disagree on political issues. We find him as a colleague to be a real professional and a man truly dedicated to reducing the budget deficit and keeping the fiscal house in order. We may see the world a little differently, but we have a high respect for Senator DOMENICI.

I will miss Senator LAUTENBERG. He is a great friend and has been a great colleague over the years. I am happy he is here for this important and vital battle.

The budget resolution that we debate may be one of the toughest to sell to the American people because it is a dry subject. We are talking about percentages—billions of dollars in appropriations, and money in the outyears. Pretty soon, you are lost in the sauce trying to figure out what in the world these people are talking about.

Does this have any relevance or importance to the lives of ordinary people across America? Should families even pay attention to it? If they are watching on C–SPAN, they are probably clicking away now. As Billy Crystal said the other day, he liked the movie ''The Sixth Sense.'' He said: I see dead people too. I see them on C–SPAN.

I think people who watch C–SPAN will understand that we are very much alive. They understand the issues we are debating today are very important to them.

Take a look at this little graphic prepared on the Democratic side. We have a great ship of state, the ''U.S. Economy.''

Take a look at the U.S. economy over the past 8 or 9 years. You will see that an amazing thing has occurred.

We have seen the greatest economic growth in the history of America, with terrific employment, new housing, new businesses, and inflation under control. We have seen our debt coming down at a time when many people have given up, thinking that the national debt was just going to increase.

These are all positive things—a stock market which was at 3,000 with the Dow Jones average when President Clinton took office. It is now over 10,000. It may be over 11,000, I haven't checked. All of these things are good news about the American economy.

This great ship of state sails on with the U.S. economy stronger than it has ever been in recorded history. This is not political hyperbole. This is a fact, and America's families know it. They know we are moving in the right direction in this country. Above all, they want Congress to get out of the way. Don't stop this economy from moving forward.

Let me tell you that this budget resolution we are debating on the floor of the Senate today is going to get in the way of that economy. It is going to be an obstacle to our economic progress.

Look at this looming iceberg. Does this remind you of a movie? Here you see the tip of the iceberg—a $168 billion Republican tax cut. But look below the surface. This Republican tax scheme is much larger.

Why would politicians be for tax cuts? Every American family would applaud a tax cut. We would all like to have one. It helps you get by. But if you ask what that tax cut will cost, a lot of people in America back off and say: Wait a minute. It doesn't make a lot of sense for us to be giving tax breaks to the wealthiest people in America and jeopardizing the growth in our economy. You see, what the Republicans do in their budget resolution is couple it with a tax cut plan over the next 5 years that literally gobbles up every single dollar of surplus that we have so there is no money available for us to spend on other things that America knows we need.

Does America know we need better schools and better education? You bet we do. Every parent, every grandparent, and every family knows that. The Republican plan shortchanges that. They take the money away from the cut. They say: No, we would rather give it as a tax cut to wealthy people than put it in education.

Let's ask another question. Would American families want to see a prescription drug benefit under the Medicare program for our parents and grandparents? You bet we would. We understand that a lot of senior citizens are choosing between food and medicine. They can't afford to buy the drugs to keep themselves healthy and strong, out of the hospital, and out of the nursing home.

We believe on the Democratic side—and the President agrees—that we should take a part of our surplus and put it into a prescription drug benefit so that the elderly and disabled across America have that peace of mind. Yet if you look at the Republican budget proposal, the money is not there for this prescription drug benefit. Instead, it is there for this tax scheme that can derail the economy.

Not only that, you have to ask yourself whether or not we are dedicating the resources we need for the growth of our country for investment in infrastructure and people. That really counts.

This Republican tax scheme, which is the cornerstone of this budget resolution we are debating, is bad policy for this country. Don't take my word for it. Don't take the word of any Democrat for it. Take the word of the Chairman of the Federal Reserve, Alan Greenspan. He tells us the No. 1 priority for the good of America and its economy is reducing our national debt—not a tax cut for the wealthiest people.

This tax cut from the Senate Republicans is a mere shadow of the tax cut proposed by Governor George W. Bush in his Presidential campaign. It is a tax cut that, frankly, goes to the wealthiest people in America. It is worse than the one proposed by the Senate Republicans in this budget resolution. This is the George W. Bush tax cut to the top 1 percent of wage earners in America. The George W. Bush tax cut will provide a $50,000 a year tax cut. If one happens to be in the lower 60 percent of wage earners, the tax cut is $249 a year—20 bucks a month.

I gave the Senate Republicans on the Budget Committee two opportunities to vote for George W. Bush's tax cut in committee. They say they want him for President. He says it is the most important thing in his campaign. One would think the Senate Republicans would rush to be in his corner when it comes to standing for this tax cut. Do you know what. On two different occasions they tried to avoid, and did avoid, even having a recorded vote on their standard bearer's tax cut. They don't want to be on record in favor of that tax cut. They know it eats up all of our surplus that goes into the Social Security trust fund.

At this moment in time, the Senate Budget Republicans have denied George W. Bush twice. I will give him another chance on the Senate floor in the next few days. Will the Senate Budget Republicans deny George W. Bush thrice? We will find out. I hope they come to their senses and understand they should go on record in opposition to it.

America wants to spend money on things important for our future, such

as education, health care, training the next generation of workers, making certain this economy keeps moving along. A lot of people have prospered under this economy, but a lot of working families are just starting to believe things are getting better for them. They do not want to derail the economic progress we have seen under the Clinton-Gore administration. They want America to continue to move forward. They want America to continue to grow. I believe that is the right track to follow.

I yield the floor to my colleague from Oregon. I hope to get another chance to address the budget resolution which should be defeated by the Senate so we can continue the economic progress we have seen in America.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will pick up briefly on the point made by the distinguished Senator from Illinois about moving forward with an agenda that meets the needs of the American people.

When we started this budget markup, the Senator from Texas, Mr. GRAMM, said the Senate ought to stand pat on the budget until after the election. In spite of the pressing health and education concerns of the American people, the concerns we will try to address on this floor this week, Senator GRAMM said we ought to stand pat; we should not take any significant steps with regard to action on many of these important issues in the health and education area.

I come to the floor this morning to say I am not prepared, and I think my colleagues are not prepared, to say to the millions of older people in this country and their families that we are going to stand pat given the huge problem they are facing with their prescription drug costs. I have come to the floor of the Senate more than 20 times in the last few months to talk about the older people who are supposed to take three pills a day and are taking only two; they are breaking up their anticholesterol capsules because they cannot afford the medicine. I am of the view this Nation can no longer afford to deny prescription drug coverage to the Nation's older people.

In my home State, we have older people being hospitalized in order to get prescription drug coverage because Part A of Medicare will pick up those bills and Part B, the outpatient part of the program, will not cover them. There has to be a sense of urgency about this important issue of prescription drug coverage for older people. I feel the same way, frankly, about education.

That is what we tried to do in the budget resolution. The chairman of the committee made a comment earlier with which I agree completely, questioning whether there could be comprehensive reform of the Medicare program this session. That is right. We ought to have comprehensive reform.

In the Budget Committee, at least as a beginning for significant reform, we said it is urgent to act this year. There is language that stipulates if the Finance Committee doesn't move on this issue by the fall, it is possible for any Member of the Senate to come to this floor and have the issue dealt with directly. We locked in the money to do the job right, $40 billion, which, by the way, is tied to reform of the program. We have language that talks about using marketplace principles and competitive purchasing techniques. It is a chance to finally get justice for older people and their families.

Medicare started off as half a loaf. It didn't cover prescription drugs in 1965. The big buyers—the health plans and HMO plans, the managed care plans—negotiate discounts. Democrats are having folks come to our townhall meetings, those people who are without prescription drug coverage—and only about a third of the older people do have good prescription drug coverage now. Those people in effect are subsidizing the big buyers. They are subsidizing the people in those health plans and the managed care organizations.

I think it is time to bring the revolution in private sector health care to the Medicare program. If we can get the anticoagulant drugs covered, which we want to do on this side of the aisle, we might spend $1,000 a year to help an older person with medicine but we will save $100,000 by being able to prevent the stroke an older person might otherwise incur.

We will try to convey a sense of urgency about this issue. I hope we will be able to get additional colleagues from the other side of the aisle to join. I particularly commend Senator SNOWE and Senator SMITH because they share our sense of urgency. They share our view we cannot just stand pat on this issue, as Senator GRAMM talked about in the Budget Committee. This country has now made it clear they want the Congress to act on this issue, and they want Congress to act now. They don't want it put off until after the election. We are going to try to convey that during this week's budget debate.

I yield the floor.

Mr. REID. Mr. President, the Senator from California has been granted 10 minutes by unanimous consent. I ask she be extended 15 minutes rather than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I rise as a member of the Budget Committee. I am honored to serve on that committee. Our chairman, PETE DOMENICI, is an expert on understanding the budget. Our ranking member, Senator LAUTENBERG, whom we will miss greatly when he retires, is likewise an expert.

What is intriguing about this year's budget is that it shows the difference between the two parties. Sometimes we come to the floor and it is hard to know the differences between the parties because the rhetoric may sound the same. The budget is dealing with hard dollars, and we are placing those hard dollars in different categories. No one can run away from the fact that they do less for debt reduction, they do less for prescription drugs, they do less for education, and they do more to help the wealthiest in our society. The numbers are there; you cannot hide the numbers.

I say with due respect to my chairman, PETE DOMENICI, he doesn't want to do that. He wants to make the fight on the differences. And so do I.

The reason I have always chosen to be on the Budget Committee both in the House, where I served for 10 proud years, and the Senate, where I am now serving for 7, is that the budget we do once a year—and, by the way, I think it is important to do it once a year; I don't support the notion of going to budget every 2 years—is the budget that is the roadmap to our Nation. It is not a dry document. It may appear boring because we are putting numbers next to functions, but when we get behind the numbers, what does it mean? Look at defense; we know what it means. Look at domestic discretionary; we know what it means. We know what it means for education. We know what it means for the environment.

By the way, I want to make a point about the environment. I am thoroughly distressed that for the first time in the history of the Senate in a budget resolution, this budget resolution calls for oil drilling in a national wildlife refuge. Never before in a budget resolution have we done that. And not only are we calling for drilling in this preserve, we are putting the receipts for this drilling in this budget, over $1 billion of receipts.

I am proud to say we are going to have a bipartisan amendment to delete that reference to drilling in Alaska, the Arctic National Wildlife Refuge. It is called ANWR. Those who do not care about the environment are using the gas prices as an excuse to open this area up while they are turning away from energy efficiency, turning away from the fact that, as we speak, we are exporting Alaskan oil that belongs to the American people. We are exporting it to Asia instead of keeping it here—68,000 barrels a day. And they are turning their heads to the fact we are allowing huge mergers to take place in the oil industry, which is, in fact, manipulating the supply.

What do they want to do? Open up the wildlife refuge in Alaska. I ask you a commonsense question. You have a wildlife refuge. How is that consistent with drilling oil? We have seen the oilspills. We know the devastation that can be wreaked. The bottom line is, I am very distressed that this budget is clearly a document that is antienvironment, and the American people support the environment.

I want to ask a commonsense question. If you are living in a time of the greatest economic recovery in the history of the United States of America, and you know what policies led to that—fiscal responsibility, targeted tax cuts to those who need it and not to those who do not need it, investments in education, investments in the environment, protecting Medicare and Social Security—why would you not continue those policies?

I am going to show you some charts that indicate we have had the greatest economic recovery in generations and generations and generations. Why would you turn away? Why would George W. Bush have policies that turn away from this success? Why would the Republicans in the Senate have policies that turn away from this success and would take us back to dangerous times? To me, it makes no sense at all. It is common sense that if something is working in a business and you are doing great because of the policies you put into place, you don't turn away from those policies. You continue those policies. This budget leads us away from those policies.

Let me talk about this return to fiscal strength. In 1992, we had a record deficit of $290 billion and we have a surplus of $179 billion in 2000. In the last 2 years, we paid down the debt for the first time instead of racking up huge debt. This has sparked the longest economic expansion in the history of the country, 108 consecutive months, and counting, of economic growth; 20.8 million new jobs; the lowest unemployment rate in 30 years—4.1 percent versus 7.5 percent that prevailed in 1992—and record American home ownership of 67 percent.

Those are the facts. Those are not made-up numbers. Why would we turn away from those policies? That is what the Republican budget does; it makes a U-turn on those policies, following the leadership of George Bush.

Let me show you these charts. Here you see the budget deficit was $290 billion. We now have a surplus of $179 billion. What was the projection in 1992, before the Clinton-Gore team came in? It was $455 billion worth of deficits. That was the projection; instead, there is a $179 billion surplus.

We have paid down $140 billion of the debt in the last 2 years. Here is where we see that. Instead of $761 billion of projected debt increases for 1998–1999, we actually are paying down the debt.

This chart is titled ''Fiscal Discipline Sparks Robust Private Sector Investment.'' In other words, when you do not have to pay so much interest on the debt, there is money around for the private sector to invest. Look what happened just in equipment and software investment. The investment is up 12.1 percent. The unemployment rate, I told you before, declined from 7.5 percent to 4.1 percent. Some people consider this full employment.

Another way to look at the jobs, 20.8 million new jobs—this is a beautiful number here, charted straight up since 1992. Record home ownership, up from 64 percent to 67 percent. The American dream is being realized; 67 percent of Americans own their own home.

We have rising incomes for all groups. In every single group, we have seen rising incomes. These are the quintiles: 10 percent in the first, or lowest-income people; increase, 11 percent in the second quintile; 10 percent in the third; 10 in the fourth; and 12 in the higher incomes. All the talk about, oh, we are taxing the people in the upper incomes; they are getting killed—they have had the largest increase in their income, 12 percent.

The Federal income tax burden has declined. It has declined for the average family of four. ''Federal Tax Level Falls For Most,'' this is an article from the Washington Post. We are paying less income taxes than we did before.

This record economic expansion presents a historic opportunity, and I think the Democratic budget, the alternative we have to vote on, seizes this opportunity. It meets the fiscal challenges ahead because we cannot take this for granted. We know that. We need to strengthen Social Security. As somebody said: When the Sun is shining, you fix the roof. You don't wait for the rain to fall.

That is what our Democratic budget does. It strengthens Social Security and Medicare. It sets up a lockbox, not only for Social Security but for Medicare. Let the record show, when Senator CONRAD offered a lockbox for Medicare, the Republicans voted in lockstep against it. They are not protecting Medicare.

We place a top priority on adding a prescription drug benefit. We pay down the national debt. We use honest budget numbers. And we expand opportunity by investing in education and other priorities to help people realize the American dream. In my opinion, the Republicans squander this opportunity with an irresponsible tax cut. As Senator DURBIN has said, it is targeted to the wealthiest; it is going to risk Social Security and Medicare; it is going to make it impossible to do a prescription drug benefit; and it is going to make it impossible to invest in education and the environment and the kinds of things the American people want.

Why do I say this? Because the Senate Republicans take the nondefense discretionary money—in other words, the money we can spend on education, the environment, Medicare, and the rest—and they actually cut it below a freeze. This is not me talking; this is the Congressional Budget Office. They say a freeze is $296.1 billion; the Senate Republicans come in at $289 billion.

That is unrealistic, and it is not what the American people want. They do not want a risky tax cut. They want a targeted tax cut to the middle class, leaving enough money to invest in their priorities. This is the hub and the nub of the problem.

The Republican budget cuts domestic priorities—$89 billion to $117 billion of domestic cuts between 2001 and 2005.

What does this mean? Let's talk turkey about what this means.

Education: It will prevent the hiring of 20,000 new teachers to lower class sizes.

Head Start: 62,000 fewer children served.

Basic research: 19,000 fewer researchers receiving support.

Environment: Funding eliminated for all 15 new federally led cleanups.

Law enforcement cuts: No funds for hiring additional police officers.

The Republicans have admitted it. They said: We will take these tax cuts one salami slice at a time. That is what Senator LOTT has said; he has admitted it. And he shows the different salami-sliced tax cuts:

$182 billion for the marriage penalty tax. We know we need to fix that problem. It does not take $182 billion to do it. We can do it for less;

$122 billion in small business tax breaks. We can do it for less;

$21 billion tax breaks contained in the education savings account that go to the wealthiest among us.

It goes on and on. They are doing it one salami slice at a time, and it adds up to one big salami which is going to put us back in the red. It is going to use the entire non-Social Security surplus and maybe even dip into the surplus.

Senator DURBIN showed my colleagues the Bush tax cut. I want to ask one question: Is it fair to give a $50,000 a year tax cut to people earning over $300,000 a year? It is unbelievable. People work for the minimum wage. They make $11,000 a year. The wealthiest will get $50,000 a year.

I ask unanimous consent for an additional 3 minutes to conclude.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. This Bush tax cut is not fair. This is not fair. It jeopardizes our economic recovery. Do my colleagues know what people who are in the bottom 60 percent with incomes below $39,000 get? They get back $249 a year. If one earns over $300,000, they get back over $50,000 a year. It makes no sense. Why not give the tax breaks to the people who need it, not the people who do not need it. Their tax burden is not overly high. They are doing very well, thank you very much.

Some of the wealthiest people in America live in California in the high-tech sector. Do my colleagues know what they tell me. They say: Senator BOXER, don't do this. I don't need the money. I am making millions of dollars. I don't need a risky tax break that is going to jeopardize this economic recovery.

It makes no sense.

Mr. REID. Will the Senator yield on my time?

Mrs. BOXER. Yes, I will be delighted.

Mr. REID. Did the Senator read the newspaper articles a week ago Sunday

that started in the Post and ran all over the country about the Federal income tax burden on the American people being the lowest in the last 40 years in some categories and in other categories in 50 years?

Mrs. BOXER. Yes, and I have referred to them in these remarks. It was a tremendous series that essentially showed the average families paying less of a burden in Federal income taxes. It makes no sense at all to give back $50,000 to the people earning over $300,000 and set at risk this amazing economic recovery. The American people want debt reduction, and that is what our Democratic alternative offers.

I say to my friend, doesn't he think that is the wise thing to do—debt reduction and sensible investments in education, the environment, and other priorities, and targeted tax cuts to the middle class?

Mr. REID. Mr. President, I say to my friend, a reduction in the national debt, which is over $5 trillion, by paying less in the way of interest on the debt every year would be a tax reduction for everybody; is that not true?

Mrs. BOXER. There is absolutely no question. I know my friend knows this, but I want to quote to him Chairman Alan Greenspan, a Republican, who said:

> Saving the surpluses is . . . in my judgment, the most important fiscal measure we can take at this time to foster continued improvements in productivity.

He says basically pay down the debt, and the Republicans are blinded on that point. They have a Presidential candidate who has made a bad decision. He will not back off from it. The people are going to understand that it is going to put our economic recovery at risk. We have to save Social Security. We have to save Medicare. We need a prescription drug benefit for our senior citizens, and we need to be wise and continue this economic recovery.

In conclusion, I hope the Democratic budget proposal will win the day. Having said that, I am a realist, and I know we are going to see a party-line vote for this Republican budget. I will say unequivocally, the Democratic plan reduces the debt; it makes investments in Medicare, the environment, and education. I hope we will not turn our backs on this economic recovery. The American people want it to continue.

I thank the Chair. I thank my chairman for allowing me this time.

The PRESIDING OFFICER (Mr. BUNNING). Who yields time?

Mr. DOMENICI. I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, somehow, I guess because the President is pretty good at coming up with words, we hear that what we are attempting to do is risky. That is a nice word, ''risky.'' I submit that if the American people knew how much the President was increasing domestic spending for next year's budget, they would say: Mr. President, that's too risky.

A 14-percent increase in the domestic programs of this country is what the President has in his budget this year. I want to talk about what that really means.

Either that is a one-time event and the President does not think we have to do it again in the next year, the year after, or the year after—just one time; it happens that one time in an election year—right now—if you think it is just an election year number, you ought to discard it and decide what you really need. That is what we tried to do. We think it is a political budget.

Let me flip the coin and say why I am entitled to believe it is a 1-year budget phenomenon in a political year. I think I have to say perhaps it is not. Perhaps it is what Democrats think we ought to spend—a 14-percent increase.

I have a chart that shows what will happen to the surplus and the Social Security surplus if we increase domestic discretionary spending 14 percent a year for 3 years. We will start to use up the entire surplus, and we will begin to use the Social Security surplus. That is how important it is that we keep spending under control.

With a 14-percent increase in discretionary domestic spending—that is the 13 bills we do each year, less the defense bill—this chart shows the on-budget surplus spent and the money raided from Social Security in the gray and yellow.

Just look at the chart. The total surplus is shown by the red line. Look at what begins to happen to the surplus as we increase this budget 14 percent a year just on the discretionary domestic accounts. By the year 2003, it gets very close to our starting to use the Social Security surplus, and by 2004 we are. Clearly, by 2005, we will have used the Social Security surplus. We will have begun to use all of the surplus because of the 14-percent increase.

Frankly, I think that sort of tells the tale. Obviously, I do not believe that is going to happen. The 14-percent increase is unparalleled, other than in 1 year under President Jimmy Carter. I do not think, even at the President's behest, we are going to do anything like that.

But I have two other points I would like to make. One, my good friend, Senator LAUTENBERG, and the Senator from California, Mrs. BOXER, keep referring to how much we are going to reduce Federal expenditures. They keep using the word ''real.'' Everybody who is in earshot of this floor debate should understand that the word ''real'' has a technical meaning Republicans have decided we will not use.

If you want to look at what is spent by our Federal Government every year in the appropriations accounts and you want to say it is entitled to ''real growth,'' that means every single solitary account of the Federal Government grows each year by the rate of inflation.

I do not think the average American assumes that if you do not let it grow at the rate of inflation every year, you are cutting things. Many people live with a frozen budget; they do not have any more the next year than they do this year.

We start with the assumption that everything is frozen, and then we decide what to add back. We have done that for a few years because it is a huge increase in Federal expenditures when you assume every account in Government will go up by the rate of inflation every year. We call that a nonincrease. We call that a neutral budget. We call that a budget that does not spend any new money. Everybody knows it spends new money over the previous years to the extent that you add inflation to every single account, bar none. Frankly, everyone knows you do not have to increase every account in this Federal Government by the inflation rate of every year.

So what do we do? We start with: Let's freeze it and see how much we have left over. To my amazement, and contrary to the numbers that have been talked about here on the floor by the other side, if you do that and say to Americans, we are going to start at zero and we are going to add back, we have a surplus of $400 billion over the next 5 years.

Of that, we are going to spend $230 billion. In other words, our budget, in the next year and the succeeding years, adds $230 billion to a base of about $570 billion. We have a $400 billion surplus. We are going to spend $230 billion. We are going to say: If Congress can, and the President will, we will have tax relief of $150 billion. We will have debt reduction of an additional $20 billion. Essentially, that is a pretty fair allocation of our resources. If, in fact, we do not get the tax reductions, every bit of it will go on the surplus.

There is no difference between the Democrat budget they will propose and ours on debt reduction. We are both about $1 trillion over the next 5 years. But our budget, the one for which we ask the Members to vote, has $174 billion in debt reduction—$174 billion in the first year, $1 trillion over the 5 years.

Let's get back to the tax relief. Mr. President, $150 billion over 5 years; $13 billion in the first year. The ratio in the first year of tax relief to deficit reduction is $13 of debt reduction to $1 in tax relief.

How much is enough?

Should the ratio be $50 to $1? Should it be $40 to $1? It is $13 to $1 in the first year. Over the 5 years, it is $8 in deficit reduction for $1 of tax relief. I think that is pretty good.

I repeat, if we start with a freeze and add back, rather than starting with the budget that adds back inflation to everything and calls anything we reduce from that a cut, we will be spending $230 billion over those 5 years, increasing our national defense spending and our domestic discretionary spending.

If we just averaged them per year and took 5 into $230 billion, what would that be? Five into $200 billion would be $40 billion a year. About $46 billion to $50 billion each year in new spending is available under this budget resolution. If we start with the premise that everything is at zero, and we add it back, we are going to add $230 billion over 5 years, which is somewhere between $45 billion and $50 billion a year.

How much is enough?

I believe what we have just described is plenty. We can improve and enhance the accounts in our Government, such as education, military, National Institutes of Health, things we all know should go up substantially, but we do not have to increase every single program in Government.

As I said in my opening remarks, if we only had the gusto and enthusiasm to reform the discretionary accounts, we have a litany of things the Government Accounting Office says are duplication of effort. There are 342 different programs spread in five Departments for economic development. These things can be put together in a way that we will spend less, save the taxpayers dollars, and, yes, provide them with some tax relief in areas such as the marriage penalty, affordable education, patients' rights, and a small business package. If you add those up, nobody thinks those are the wrong things to do. Everybody thinks they are on the right track. We make room for the Finance Committee here and the Ways and Means Committee in the House to do it.

I will comment just for a moment on Medicare. In this budget resolution, we have $40 billion for Medicare reform and prescription drugs. The President wants to make a political issue out of Medicare. I think with this budget resolution he is finished. The President cut Medicare by knocking down the providers. Then the net amount he provided for Medicare prescription benefits and reform was $15 billion.

Nonetheless, we will hear them say we are not doing enough. I am sure they will find a way to say we are not doing enough. This budget resolution has $40 billion. It was provided by an amendment by Senator SNOWE of Maine and Senator WYDEN, who cosponsored it, and Senator SMITH of Oregon was a principal proponent, and it was accepted by the committee. There were no negative votes.

Incidentally, just as an aside, while to me it doesn't make that much difference, the Democrat members of the Budget Committee offered a total substitute, and their Medicare additions were less than what is in the Republican budget resolution, so I don't know that they have any room to complain. They had $35 billion in theirs; we had $40 billion. So I think we are within the parameters of getting something done that is bipartisan. I hope it is led by reform and efficiency. We should not add big benefits to a program that is going to run out of money until we get some reform.

Mr. INHOFE. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. INHOFE. First of all, I compliment the Senator on the time and effort he has devoted on probably the most difficult subject and working out some of these problems.

I have an amendment I wish to offer. I understand it is not going to be appropriate until later on. I want to tell you what it is. It is a sense of the Senate on fully funding impact aid. I notice that S. Con. Res. 101 does address this. It says:

> It is the sense of the Senate that levels in this resolution assume that impact aid programs strive to reach the goal that all local education agencies eligible for impact aid receive a minimum of 40 percent.

Now my concern would be this. In the State of Oklahoma, overall, we are at about 36 percent now. However, we have some well below that and some above that. In this sense of the Senate, would it be assumed that those below 40 percent would be raised to 40 percent but not that those who are above it would be reduced to 40 percent, or some level lower than they are currently?

Mr. DOMENICI. The Senator is correct.

Mr. INHOFE. Mr. President, later today, I will introduce an amendment to the budget resolution concerning impact aid. It is a sense-of-the-Senate resolution and is very straight forward, it simply recognizes the importance of impact aid and states that it should be fully funded. Now, I realize that there are too few dollars chasing many worthy programs, but impact aid is a promise, that we, the federal government, have made to the states. I believe we should live up to our obligation and fully fund this program.

For those colleagues who are unfamiliar with impact aid, allow me to briefly describe the program. It is one of the oldest federal education programs, dating from the 1950's, and is meant to compensate local school districts for the ''substantial and continuing financial burden'' resulting from federal activities. These activities include federal ownership of certain lands as well as the enrollment in local school districts of children of parents who work and/or live on federal land. The rationale for compensation is that federal government activities deprive the local school district of the ability to collect property or sales taxes from these individuals (for example, members of the Armed Forces living on military bases, or Native American families living on reservations) even though the school district is obligated to provide free public education to their children. Thus, impact aid is designed to compensate the school district for the loss of tax revenue.

If the program is fully funded, the formula used to determine a local school district payment is fairly straight forward. Each child is assigned a weight based on the type of ''federal activity'' the family is involved in. For example:

Indian Children on reservations	1.25
Military children on post	1.0
Military children off post	0.1
Civilian children on reservation	1.0
Civilian children off reservation	0.05
Low rent housing	0.1

Next, the weighted student count is multiplied by a cost factor which reflects the greater of one-half of the state average per-pupil expenditure or one-half of the national average per-pupil expenditure. The local school district provides this information to the U.S. Department of Education who in turn writes a check to compensate the district for the loss of revenue.

In my state of Oklahoma, if the Impact Aid Program was fully funded, we would have received $63 million in fiscal year 2000 as opposed to $23 million we received. That is a difference of 63 percent. This chart shows what each state would have received in fiscal year 2000 if the program had been fully funded versus what they receive through the formula. As you can see all states do better with full funding and 35 states would have their payment increase by 50 percent or better.

I would be remiss, if I did not acknowledge that the appropriators have worked very hard to increase funding for impact aid. In fact, in each year since fiscal year 1995, there has been an increase in impact aid.

However, I believe we need to realize how not fully funding this program hurts local school districts. When this program is not fully funded, the federal shortfall has to be made up with local dollars which means that projects that would have been undertaken have to be postponed. My staff has done a little research into what type of spending is postponed. What they found is very telling of the type of pressure the federal government is putting on our schools because we fail to fulfill our obligation to them. For instance, the consequences of not fully funding impact aid means schools cannot afford to:

Buy handicapped accessible buses; buy classroom computers; buy computer upgrades; buy textbook replacements/updates; hire teachers to lower pupil teacher ratio; hire necessary staff for Special Education programs; hire necessary staff for Gifted and Talented programs; provide professional development for staff; provide adequate building security; provide for remedial instructional needs; or do basic building maintenance.

Full funding of impact aid means that local dollars that are now being used to offset lack of federal dollars can be used to take care of the above mentioned needs. For the school district it is like getting two dollars for every one dollar because it frees up their dollars to purchase buses, do building maintenance or hire additional staff to lower pupil/teacher ratios.

Mr. President, full funding of impact aid is not a luxury, it is a necessity. Our schools are in a funding crisis that

the federal government has created because we have failed to fulfill our commitment to them. We must compensate them for lost revenue because of federal activity in their area that prevents them from collecting sufficient property and sales taxes. This is not a handout; it is an obligation by the federal government to make school districts whole. I urge my colleagues to support this resolution and join me in asking the appropriators to fully fund impact aid for fiscal year 2001.

Mr. DOMENICI. Mr. President, I might put the importance of Senator INHOFE's amendment into perspective relative to the President's budget. He proposed to cut impact aid $136 million. We rejected that in our budget resolution, and the Senator, I assume, is on the floor supporting what we did and wanting a clarification.

Mr. INHOFE. Yes. If the Senator will yield further, I do support what the chairman is doing. I would like to do more. Impact aid is a promise; it is an obligation. We have taken things away from the tax base that preclude States from financially supporting their schools, and it happens that between our military installations and our Indian population and some of the unique ways we handle it in the State of Oklahoma, we are impacted greatly by this program.

So I appreciate the fact that the Senator has made an effort to stop the President in his budget from reducing impact aid, but I would like to do a little more if I could.

I thank the Senator.

Mr. DOMENICI. Mr. President, I want to insert in the RECORD—because we speak of the President's budget and Medicare and, frankly, the President talks about how much he wants to spend for prescription drugs. But hidden in the budget are cuts in the program that he assumes will go toward prescription drugs and reform.

I just want everyone to know I don't believe a bipartisan committee in the Senate, or the House, would approve of the President's cuts in this health care program. Hospital cuts in the cycle of this budget for 5 years are $6.8 billion; $2.1 billion is reduced in terms of what is going to be allowable from cancer treatment clinics and other outpatient clinics providing certain kinds of drug treatments that are already covered by Medicare, and a $3.7 billion reduction from the Medicare Choice health plans, including plans in low-cost States, such as Oregon, New Mexico, and Minnesota.

Frankly, I don't think we are going to do that. So when we put our budget together, we rejected that and added $40 billion in two installments, which was the Snowe-Wyden amendment, and I add Senator SMITH from Oregon as the prime sponsors. I will submit those reductions for the RECORD. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CLINTON-GORE MEDICARE PLAN

[CBO Estimates, in billions of dollars]

	2001	2001–05	2001–10
Hospital Cuts	−0.4	−6.8	−21.8
Cancer Drugs and Other Drug Cuts	−0.2	−1.0	−2.1
Mecicare+Choice Health Plans	0.0	−3.7	−14.5
FFS Selective Contracting, Etc.	0.0	−1.6	−6.0
Other Provider Cuts	−0.3	−2.9	−8.3
Total Provider Cuts	−0.9	−16.0	−52.7
Beneficiary Cost-Sharing	0.0	−0.1	−2.2
Medicare Buy-In Proposals	0.0	−0.1	0.2
Competitive Defined Benefit	0.0	−2.1	−13.7

Mr. DOMENICI. Mr. President, I once again say if any Senators would like to be heard prior to our 12:30 luncheon, I am here to yield time to them. We won't have amendments until after our respective policy and caucus lunches. Since nobody is here, I will make a couple of observations about the American economy.

There are some things about the American economy we continue to call phenomenal. We continue to look at the American production machine, which is a sum total of all the efforts of American workers, American business, American investment. Our gross domestic product, the sum total we have available, is growing and growing. It has reached a very high level of about $9 trillion.

The world looks at us and wonders how in the world are we doing this. We don't have very much inflation. We have the highest level of employment we have had in decades. We have annual growth that is still shocking the economists who were quite sure we could not sustain the kind of growth we have. We have Europe looking at us and saying maybe we had better get over there and invest, start buying into their companies. We have a country we all were frightened of named Japan. Many people used to come to the floor and say, ''Why don't we follow Japan and have a planned economy?'' I am very glad nobody chose to do that in America. And look at what happened to the respective competitiveness and growth and prosperity of the two nations. I wish them the best, obviously, but we are doing rather well.

I suggest there are three or four things that make this work. I think we should look at them very carefully because what is going on in the other capitalist countries and democracies in the world is very different. We have been committed to the proposition that America prospers on low taxes. Now I understand that most of us think the percent of the gross domestic product that goes to taxes is too high. There is no question that the percent of our gross domestic product that goes to Federal taxes is the highest it has been since the Second World War. But, in essence, when you compare America's taxing of itself and its activities and its people and its workers, we are a low-tax nation.

I believe if we do not continue to keep it a low-tax nation but, rather, succumb to a high-tax status such as those competitors we have in the world, we are going to end up being exactly like them. A high-tax country, such as Germany, lives with 10, 11 percent unemployment because they have imposed on all their employers to pay for the welfare benefits of their nation. Yet, on top of them, they have to keep very large taxes. They wonder why it doesn't work. We sit over here saying, thank God we are not taxing like them. We haven't yet decided to impose on our businesses, beyond what they ought to be sustaining on their shoulders so they can invest and grow.

Secondly, while we declare regulations, I think the time will come—perhaps with a new President—when we will look carefully at the overregulation in certain areas of the economy, including whether environmental laws are reasonable or unreasonable in many areas, to compare with those competing with us. We don't have regulations that stymie small business and stymie growth.

It is almost impossible for small business to grow in Europe as it does in America because right off the bat their rules and regulations make it practically impossible. We are very fortunate. We have less regulation. We need to have less of a burden of regulation if we want to continue to prosper and grow.

Last theory: Innovation and high productivity are now natural parts of the American economy. We are not sure how all that happened. I believe we are underestimating productivity growth because I don't think we quite know how to do it in a service-oriented economy built on computers and modern technology. But I believe that because of innovation, improving technology, and lowering of prices for technology that productivity is growing at a very high rate. It is higher than we are estimating it.

When you add low taxes and less regulations than our competitors have, urging that we do better in both, that we stick to these lower taxes by putting in a tax reduction in this bill, tax relief that will keep us on that path, and waiting for somebody to occupy the Presidency that will reform our regulatory system and continue not to stymie employers with reference to their workforce, mobility, and so forth, we are going to have great sustained growth for a long time.

I don't choose to lay the credit on who did it, but it is clear that a lot of people are responsible. Congress has done a whale of a job in the last 7 or 8 years in reducing entitlement spending and reducing overall expenditures of Government. It is something of which we can be very proud.

In addition, we entered into a bipartisan agreement that balanced the budget, that had a very significant effect on lowering the cost of Government over that period of time. We should stick to that and not go with something such as the President is asking for, to increase domestic discretionary spending by 14 percent, a risky proposition, I would call it, in light of

the prosperity and how we are going to get it.

What else is new? I have to say the most significant new dynamic is the commitment on the part of the Congress and the President not to spend the Social Security trust fund.

I am very proud I was among the first to challenge the President by saying his idea of saving 62 percent of it was inadequate; let's save 100. I am very proud that I came up with the ''lockbox'' idea of locking away the Social Security trust funds.

This is the new dynamic I believe over the long run will keep America prosperous because it will continue to pay down the national debt way beyond what anybody ever thought we could. As a matter of fact, if we stay on that path, sometime into the second decade of this century we will totally get rid of the national debt. Most of that is because of the lockbox. Most of that is because of the new dynamic that says don't spend Social Security trust funds.

We are very proud of that. We are glad it is hugely bipartisan now. We take great credit in getting that started and challenging the President, who, for the first time this year, submitted a budget that does not use any of the Social Security money for general government and, I say to my friend, Senator GRASSLEY, the first budget of the President that recognizes the principle that we will not touch Social Security surpluses and locks it up. We still need a vote on a lockbox because that requires 60 votes to breach that line to not use any of the money from Social Security for Government.

When you add all of this up, I believe it is easy to say to Americans that we want to spend more. We want to give you more. The Government should be spending more than the Republicans have in this budget resolution. But I believe we are on the right track.

I think when we put every penny of Social Security money into the trust fund, and then add about $7 billion or $8 billion out of the non-Social Security surplus, we are being cautious. We are saying we are not going to spend that non-Social Security surplus. We are going to also put it into the debt.

In closing, the next President has a big job—I hope it comes from our party—because I believe he will find a Government loaded with duplication, loaded with programs that are 30 years old and are not the programs of today, and he will have to find a way to put many of those into a place they should have been for a while; that is, totally removed from the budget of the United States. We will have some real priorities that we have been discussing in our budget resolution talking about where the American people would like to spend more money. It is not on the myriad thousands of Federal programs, many of which should not be around.

With that, if anybody would like to speak, I will yield to them.

Again, at 12:30 we are going to our caucuses. We will be ready for amendments at 2:15.

I yield the floor.

Mr. President, I yield whatever time the Senator from Iowa needs.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to address the issue of the agriculture function in this budget.

I thank Senator DOMENICI, chairman of the committee, for the foresight that is represented in this budget, in two respects.

No. 1, for the foresight of including money in the budget for the proposed Federal Crop Insurance Program that already passed the Senate. Last year it passed the House. Hopefully, very shortly it will be sent to the President for his signature so that by the year 2001 the farmers of America will be able to manage their risks to a greater extent and be less dependent upon the political whims of Washington, which sometimes is the case, and whether or not there is a natural disaster. Will Congress pass the disaster aid? That is passed to help family farmers, not only when you have a drought but also when we have floods, hurricanes, and earthquakes. When there is a natural disaster, money is appropriated to help people in need at that particular time.

Last year, Senator CONRAD of North Dakota and I were able to have money included in the bill anticipating the availability of funds in case Congress passed crop insurance reform. The House got the job done last year. The Senate did not get it done until this year. We are building upon that $6 billion which was put in last year's budget with money through the year 2005 for the continuation of that program.

I thank Senator DOMENICI and members of the budget committee for the foresight of encouraging risk management by the American family farmer rather than relying upon the political whims of Congress. Sometimes the family farmers find themselves in that position when there is not adequate crop insurance protection. This is where the individual family farmer makes a decision to participate.

By having a better Crop Insurance Program, we hope we will not only encourage participation by a number of farmers but also encourage their participation at a higher level of protection than ever before.

We think this budget and the program that passed the Senate give encouragement to farmers. We are trying to give one more additional tool to the farmers. That should have passed in 1996, the last time the farm bill was passed. It was a tool that was supposed to be given to farmers at that time but it was not.

So at this late stage with this budget, finally we are fulfilling one more promise of the Congress in the 1996 farm bill to give farmers continuity through a longer farm program, rather than the usual 3- to 4-year farm program, and tools to manage their own decisions rather than waiting upon bureaucrats in Washington, DC, to make those decisions as to what the farmer can plant and how much of each commodity can be planted in order to qualify for the farm program.

Beyond that, this budget also includes $5.5 billion of additional payments for the year 2002 and beyond so we can help keep the promise to the farmers that Congress made in the 1996 farm bill that there would be a sound safety net for the farmers throughout the life of the 1996 farm bill.

In 1996, we projected it would cost $43 billion for the crop-years throughout the 7-year farm bill. We anticipated then a certain amount for the year 2002 as we did in 1999 and 1998. Because of the lowest crop prices in 25 years, what we projected in 1996 to be that safety net for farmers was not adequate. So in 1998 there was additional money injected late in the budget year and also at the end of the crop-year. In the year 1999, there was an additional amount of money at the end of the budget year and at the end of the crop-year.

Congress was expressing its commitment to the family farmer to keep a safety net and income support for farmers when there were things in the price scheme for grains beyond the control of the individual farmer. That dates strictly back to the Southeast Asia crisis when exports took a downturn and to the unpredictability of four very good crop-years, bringing the lowest level of income for farmers for 1998 and 1999 for grains, and in some cases livestock that was the lowest in 25 years. Congress then put in additional money in 1998 and 1999.

This budget is somewhat different. This particular budget—again I say this to compliment the Senator from New Mexico for his foresight—includes $5.5 billion because we expect the same low prices for the 2002 crop-year as we expected in 1998 and 1999. It might turn out otherwise. From everything we know now, that tends to be the situation. The compliment is not only for the $5.5 billion in this budget; it is for the foresight that is represented by having it figured in ahead of time—not at the end of the crop-year, not at the end of the budget year but at the beginning of the budget year and about the time that farmers are getting their loans lined up for this crop-year and about the time they are planting this crop-year so the farmers go into this crop-year with more certainty than they had in 1998 and 1999. The Congress would keep its commitment to make sure there was a smooth transition and that there was a sound safety net for farmers as promised in the 1996 farm bill.

Everyone knows the simple commonsense answer to prosperity in agriculture is the ability to export. The only way there is going to be profitability in farming is through the ability to export. When you are a farmer in the Midwest and you produce more

than one-third for domestic production, you know that the only way there will be money made, the only way there will be higher prices is if there is a worldwide demand and you are able to export.

We talk about a safety net and about appropriating $5.5 billion that was not anticipated when the 1996 farm bill was passed. I say that in the vein of helping farmers keep things together. It is not profitability in farming. When it comes to income of farmers, common sense dictates two sources of that income: One, public money coming through the farm program but not guaranteeing profitability or, two, from the private sector, which basically means the ability to export and to have those export markets and having our Government do what it can to promote our exports so we find foreign markets. That is where the profitability lies. That is where the American farmers want to receive their income—from the private sector and not from the public treasury.

However, we cannot always anticipate four good crop-years in a row to bring about an abundance of production and a downturn in prices. We cannot anticipate the Southeast Asia crisis or other things that tend to bring about a downturn. The Southeast Asia financial crisis brought a downturn in exports. That is why we have the 1996 farm bill. That is why we have the safety net we promised. That is why in this budget we are supplementing that by $5.5 billion.

For the taxpayers who are listening and wondering why they would be helping the family farmer, that there ought to not be more control by the individual family farm manager—that is the farmer himself, in his productivity and his ability to export—I think I have answered that question to some extent. Whether you have a drought or whether you have a massive amount of rain that will produce in overabundance, the farmer is not in control. When governments in Southeast Asia made bad judgments as to their banking industry and we had the Southeast Asia financial crisis and the economies in a downturn over there and we did not export to them, those were all things beyond the control of the individual family farmer—hence, a safety net for the family farmer and consequently some costs to the taxpayers.

What does a person in the city or the general taxpayer get out of this contract we have with the family farmers of America, this social contract? They surely get an abundance of food so when they go to the supermarket they don't have to worry about whether there is enough food. That is not true a lot of places outside the United States, places with malnutrition, where there are droughts and where they live from hand to mouth for a daily supply of food.

It used to be that in the Soviet system of agriculture, and of their command and control economy, consumers in Russia did not find their supermarket shelves stocked as well as they were in the United States of America.

For the consumers who think they are paying too much for their food, I suggest that as a percentage of their disposable income they are spending less on food than any consumer in any country in the world. Consequently, we do have this social contract between the people of this country and the family farmers of America to maintain a safety net so there is a stability that maintains the institution of the family farm. The institution of the family farm is that entity that guarantees to the consumer of America this supply of food that is in good quantity and in good quality, at the lowest percentage of disposable income to pay for it of any consumer in the world.

I hope we make it clear in this budget that Senator DOMENICI has put together that we are keeping our commitment to the family farmer, making sure there is an adequate supply of money for the safety net we promised in the 1996 farm bill.

We are giving the consumer, the other half of this social contract, a guarantee of an adequate supply of food, good quality food at a low price, and we are also giving farmers some tools to manage their own businesses to a better extent through money for the Crop Insurance Program so, in turn, they are not subject to the whims of each Congress, whether or not we are going to appropriate the money that ought to be appropriated to meet our commitment to be an insurer of last resort—in other words, appropriating the right amount of money wherever natural disasters might happen, whether it be earthquakes in California or droughts in the middle west.

I hope we are not going to hear on the floor of the Senate during this budget debate that we do not have a safety net for farmers. What do our colleagues think this $5.5 billion is for or the $9 billion-some we appropriated in 1999, or the $6.5 billion additional supplement we appropriated in the crop-year 1998, in addition to the $43 billion that was in the 1996 farm bill, total for the next 7 years? If that is not a safety net, what is a safety net?

If somebody comes up here and says the present farm bill is not a very good farm bill, all they have to do is go back to the old farm bills that were in existence from the 1930s until 1996. We saw Congress supplementing the old farm bills because the safety net that we suspected would be needed for the ensuing years of that farm bill was not adequate. I do not want somebody to say there is a big tear in the safety net for farmers under the 1996 farm bill because there have been big tears in farm bills for previous years when Congress added funds.

The fact is, Congress uses the best judgment based on what climatologists and economists can give us to make our decisions about what we ought to provide in a farm bill for whatever the duration of that farm bill. This one is 7 years; previous ones have been 5, 4, and 3. But, as best as we can guess ahead when we pass that farm bill, we cannot anticipate all the exigencies that might come about in those ensuing years. So we find Congress responding to that safety net that might have a hole in it from time to time, to knit that hole in the safety net so we keep our commitment to the family farmers that we are not going to keep them hanging out there by themselves, whether because of natural disaster or political decisions made in some foreign country or even domestic political decisions made in this country or even international trade decisions that are made that are beyond the control of this Congress. Some of the exigencies are only in the hands of God. Can we anticipate all of those? No, we cannot, whether it is under a Democrat or Republican President, whether it is under a Democrat Congress or a Republican Congress. We have people making judgments, when we pass a farm bill, of what are going to be the situations with weather and world economics over the next few years. We make the wisest decisions that can be made based on the information that is available. Still, sometimes we come up short.

I do not want to hear anything about not having a safety net for farmers, or our not keeping our commitment to American farmers for that safety net with the anticipation that this world economy is going to turn around and this oversupply that has come from 4 good crop-years—not only in the United States but worldwide, to bring about an oversupply—is not going to be with us all the time and we are going to, again, pick up our exports; we are going to, again, have somewhat normal production. The farmer is going to get that profit from the marketplace that is anticipated.

All we are doing in this farm bill, as we did in 1998 and 1999, is keeping our commitment that when the profitability in the marketplace is not there the Congress of the United States is going to keep its commitment—the social contract we have between the people of this country and the family farmer—that there is going to be a supply of food of a good quality, good quantity, and at a price the consumer can afford.

I thank the chairman of the committee for his commitment to the farmers of America I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator GRASSLEY, not only for his kind remarks but for his observations, which are totally accurate. I think that was a very good summary of where we are, where we have been, and what we are trying to do in this budget resolution for the farmers in this country.

I think the Senator knows. He was here, giving this few moments of reflection, anticipating somebody will always want more, and we will be confronted with that, even on this budget resolution. I thank the Senator for his statement. I will be using it later on, within the next 2 or 3 days.

Senator SPECTER wants to speak. I will yield to him as much time as he would like from our side, if I might first make two observations.

First, I wish to summarize the tax situation to which I alluded, in terms of taxes on America imposed by government. The total tax burden today—that is, State and local and Federal—has never been higher. Second, the Federal tax burden has never been higher, except at the end of World War II. Those who talk about rates and who pays and talk about the article that was in the Washington Post a few days ago, ignore some things about middle-income Americans I will address later. But actually the total amount of money the Federal Government takes, as a portion of the productivity of America, has never been higher since the Second World War as a percent of the gross domestic product.

Third, the U.S. is in a period of budget surpluses, which are projected to grow, for certain over the next decade and maybe for decades beyond that. So, in a sense, we are beginning to define the surplus. We Republicans say that except for that which is Social Security, some portion of the surplus should go back to the taxpayer because it represents overpayment. When you have an overpayment, you do not immediately run to spend the money; you want to do something to recognize it is more than you need. In this case, we want to give some back. The President has a difficult time even recognizing that in his budget. He cannot find a way, in a bona fide manner, to support a tax cut for the American people. He talks about cuts but he raises taxes more than he cuts. He cannot seem to come to the conclusion that a little piece of that surplus should go back to the American people.

I yield the floor. I yield to Senator SPECTER as much time as he desires.

The PRESIDING OFFICER. The Senator from Pennsylvania.

OVERSIGHT POWER

Mr. SPECTER. Mr. President, I have sought recognition to comment on a pending inquiry by the Judiciary subcommittee on oversight on the Department of Justice related to two subpoenas which were issued by the full Judiciary Committee to two individuals, one a former assistant U.S. attorney for the Central District of California and the second, a current employee at the Department of Justice, here in Washington, DC.

The reasons for the request of the issuance of these subpoenas have been set out in the public record in a variety of places, but I thought it useful to summarize the background of the applicable law at this time because there is some public concern about exactly what is going on, why it is going on, and what are the precedents.

Yesterday in the respected Legal Times, there was a balanced account of the request for the subpoenas and the issuance of the subpoenas, but the account, as is necessary in a relatively short publication, did not spell out in detail all of the background, which I propose to do at this moment. Some of what I say on the floor of the Senate will be supplemented by a memoranda which I will ask to be made a part of the RECORD.

The essential facts are these: The oversight subcommittee is looking into the plea bargain entered in the case of a man named Dr. Peter Lee in 1998. Dr. Lee had confessed to two very serious instances of espionage. In 1985, Dr. Lee provided to the scientists of the People's Republic of China information about nuclear energy. In 1997, Dr. Lee again provided to scientists of the People's Republic of China information about detecting submarines.

When the matter moved through the process between the assistant U.S. attorney in California to the Department of Justice, involving the Navy and the Department of Energy, there was a serious failure of communication.

I interviewed the assistant U.S. attorney at length in Los Angeles on February 15, and that individual told me—and it is a part of the record—that he was denied permission to seek a serious charge against Dr. Lee but was authorized only to file a criminal complaint under section 1001 of 18 U.S.C., a false statement, but could not file serious charges of espionage.

Records of the FBI and the Department of Defense, which our subcommittee has uncovered after laborious, painstaking efforts, disclose that the Department of Justice was prepared to authorize a prosecution under 794, which is a serious espionage statute which carries a penalty of up to life in prison or the death penalty. I am not suggesting the death penalty was appropriate or life in prison was appropriate, but that is what was provided. Those serious penalties are sometimes used as leverage to get cooperation or further information, something I saw in some detail when I was district attorney of Philadelphia.

The assistant U.S. attorney says he knew nothing about that. The plea bargain was entered into before there was a damage assessment. After the damage assessment was completed, Department of Energy officials classified the disclosures in the secret category. The Navy Department wrote an ambiguous letter at one stage on November 14, 1997, a letter which was hard to understand because the damage assessment had not been made and, in fact, the Department of the Navy and the Department of Defense, did not make a damage assessment until requested to do so by the Judiciary oversight subcommittee.

When that damage assessment was finally made, they came to the conclusion that it was, in fact, classified information. They disagreed with the Department of Energy's secret classification but did classify it at the confidential level.

Through all of this sequence of events, the key official in the Department of Justice in Washington, DC, has declined to be interviewed. This individual is the key person who dealt with the assistant U.S. attorney in Los Angeles and who dealt with the Department of the Navy.

This is, obviously, a matter of enormous importance. When one combines what was done with Dr. Peter Lee with what was done with Dr. Wen Ho Lee, who is now under indictment, where the Attorney General of the United States admitted she did not follow up on an FBI request for a warrant under the Foreign Surveillance Intelligence Act but delegated it to a subordinate who had no experience in the field. Attorney General Reno failed to follow up on it, and in fact the FBI let the matter lie dormant for 16 to 17 months, and when you add to that other plea bargains in the Department of Justice on campaign contributions involving John Huang, Charlie Trie, and Johnny Chung, and the technology transfer to the People's Republic of China over the objections of the Department of Justice which was conducting a criminal investigation, there is a great deal which needs to be done.

Isolating and focusing for a moment just on the Dr. Peter Lee case, that is what we are looking at and that is why we have asked for the subpoenas.

The arguments in the Judiciary Committee have raised the point that this is an unprecedented event, but that in fact is not true. The Congressional Research Service summarized this issue as follows, and I will be submitting a memorandum which has a fuller citation of authority:

> In the majority of instances reviewed, the testimony of subordinate DOJ employees, such as line attorneys and FBI field agents, was taken formally or informally, and included detailed testimony about specific instances of the Department's failure to prosecute alleged meritorious cases.

This goes beyond closed cases but goes to cases which are pending and which are currently being investigated. We have seen a repeated effort by the Department of Justice, under Attorney General Reno, to use a pending investigation as a roadblock to providing congressional oversight, but in fact the cases are to the contrary.

The authority for these issues goes back as far as Teapot Dome and extends as recently to last year with the Committee on Governmental Affairs of the Senate. In Teapot Dome, the select committee heard testimony from scores of present and former attorneys and agents of the Department of Justice. Some of the cases upon which testimony was offered were still open at the time.

The investigation of white-collar crime in the oil industry, an investigation of the failure of the Department of Justice to effectively investigate and prosecute alleged crimes, took place in 1979 when joint hearings were held by the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce. At that time, a Department of Justice staff attorney testified in open session as to the reason for not going forward with a particular criminal prosecution.

That is about what we are looking for here, why the prosecution did not go forward, but why they settled for an insufficient plea bargain which gave Dr. Lee no jail time but only community service, probation, and a fine. In that context, the Department of Justice asked for only a short period of incarceration. It is hard to understand why that would be done when there are documents from the FBI and the Department of Defense which say prosecution would be authorized for a penalty which carried life imprisonment or the death penalty.

In the Rocky Flats investigation in 1992, the Subcommittee on Investigations and Oversight of the House Committee on Science, Space, and Technology took testimony from the U.S. attorney from the District of Colorado, an assistant U.S. attorney for the District of Colorado, a Department of Justice line attorney, and an FBI field agent. According to Congressman Howard Wolpe, the Justice Department was initially uncooperative but finally agreed to the subcommittee's requests only after the subcommittee threatened to hold DOJ in contempt.

In 1992, carrying through 1994, the House Subcommittee on Oversight and Investigations conducted an extensive investigation into the impact of Department of Justice activities on the effectiveness of the Environmental Protection Agency's criminal enforcement program. Overall, the subcommittee conducted detailed interviews with more than 40 current and former Justice Department officials concerning the management and operation of the Environmental Division.

For months, Justice Department attorneys stalled on subcommittee requests to interview DOJ line attorneys and sought to deny the subcommittee access to numerous primary decision-making documents as well as documents prepared in response to the subcommittee's investigation.

On June 9 of last year, David Ryan, a line attorney for the Department of Justice OIPR, Office of Intelligence Policy and Review, testified before the Senate Governmental Affairs Committee in response to a committee subpoena.

On September 22 of last year, three FBI field agents——

Mrs. BOXER. Would the Senator yield to me? I am so sorry to interrupt him, but I am confused because I thought we were supposed to be discussing the budget. We have Senators who want to talk about the budget.

Does the Senator have a clue as to how long he is going to continue on this?

Mr. SPECTER. Mr. President, I have an allocation of time from the manager, Senator DOMENICI, for as much time as I shall consume.

Mrs. BOXER. I think under the rules we have to be speaking about the budget.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I thank the Chair.

Mrs. BOXER addressed the Chair.

Mr. SPECTER. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mrs. BOXER. Can I——

Mr. SPECTER. Regular order.

The PRESIDING OFFICER. I remind the Senator from California, the Senator from Pennsylvania has the floor.

Mrs. BOXER. A parliamentary inquiry is not in order?

The PRESIDING OFFICER. It is not in order.

Mrs. BOXER. OK.

Mr. SPECTER. To respond to the inquiry of the Senator from California, I intend to speak for about 5 or 6 or 7 more minutes. As I understand the rules, if you have the floor, and if you have been allotted time, you can speak on any subject a Senator desires.

As I was about to say, Mr. President, on September 22, 1999, three FBI agents testified before the Senate Governmental Affairs Committee about the details of their investigation of Charlie Trie. Those individuals appeared under subpoena. There have been efforts to have the subcommittee stand down on some unspecified assurances from the Department of Justice that a way will be found to provide the subcommittee with the information it needs.

That is not practical under these circumstances, where the specific subpoenaed Department of Justice employee was the key link between the assistant U.S. attorney from California and the Department of Defense. But I think it not irrelevant to comment about the failure of the Department of Justice to reply continually to requests for oversight from the Judiciary Committee.

On July 15, 1998, I asked for the Attorney General's opinion as to whether there was ''specific and credible'' evidence of a legal violation when Mr. Karl Jackson testified that John Huang said within earshot of President William Clinton, ''elections cost money, lots and lots of money, and I am sure that every person in this room will want to support the reelection of President Clinton.''

That was stated in the White House. The Attorney General responded that she would be ''happy to review it with the task force and get back to you,'' referring to me. She never did so.

I will skip over the March 12, 1999, request, which I will have printed in the RECORD in a moment, and refer now to the May 15, 1999, Judiciary Committee hearing on oversight of the Department of Justice, where the Attorney General agreed to respond in writing as to whether there were any ongoing investigations as to Mr. Fowler and Mr. Sullivan. She did not do so.

At the same time, in response to my questions, the Attorney General agreed to respond in writing as to her thoughts on the plea bargain of Peter Lee, specifically, the propriety of the sentence given the seriousness of the offense. Notwithstanding this commitment, the Attorney General did not respond, which has led to our very detailed inquiry in this matter.

On June 8, 1999, in a closed hearing, in response to my questions, Attorney General Reno promised to write, No. 1, a report within a month on where the Department of Justice stood on prosecuting Wen Ho Lee, which was never done; a report on the Peter Lee plea bargain, which was never done; and details of the Johnny Chung plea, which was never done.

For purposes of brevity, I will skip over requests which the Attorney General committed to and did not respond to on December 2, 1997, July 10, 1998, July 23, 1998, and go to July 22, 1999, when I wrote to the Attorney General requesting all documents relating to the 1996 Federal election campaigns and had only a staff response which provided very little information.

On September 29 of last year, I again wrote to the Attorney General, pursuant to the investigation by the Judiciary subcommittee, to request the 10 pieces of intelligence information mentioned in the DOJ Inspector General Special Report on the Handling of the FBI Intelligence Information Related to the Justice Department's Campaign Finance Investigation. Again, no response.

When the Judiciary Committee was considering the subpoenas for the two individuals on March 23—just a couple of weeks ago—I was surprised, in the middle of the proceeding, to see the ranking Democrat on the Judiciary Committee start to read from a letter from the assistant attorney general of the Department of Justice.

The letter showed a copy to Senator HATCH, who had not received a copy of the letter. The letter made a number of references to this Senator. I was more than a little surprised to find a letter would be written and used in that kind of an argument without the basic courtesy of supplying a copy of the letter to me. So, on March 24, I wrote to the Attorney General asking her if she thought it was appropriate for Assistant Attorney General Robinson not to send me a copy of the letter, even though I was a topic of the letter and it involved a matter before the Judiciary Committee where I was the principal moving party.

I ask unanimous consent that the full text of a memorandum from my assistant, David Brog, dated today, concerning many requests of the Attorney General be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Senator Specter.
From: David Brog.
Date: April 4, 2000.
Re: Requests made to AG Reno.

HEARINGS

July 15, 1998—Judiciary Committee Hearing—Oversight of the Department of Justice

You asked for the Attorney General's opinion as to whether it was ''specific and credible'' evidence of a legal violation when Mr. Karl Jackson testified that Mr. Huang said with earshot of President Clinton, ''elections cost money, lots and lots of money, and I am sure that every person in this room will want to support the reelection of President Clinton.'' The Attorney General responded that she would be ''happy to review it with the task force and get back to you.'' She did not do so.

March 12, 1999—Judiciary Committee Hearing—Department of Justice FY2000 Budget Oversight

You requested that the Attorney General make available to the Committee any writings, memoranda or documents which ''deal with Mr. LaBella with respect to his recommendations on independent counsel . . . or whether that issue came up in any of the Department of Justice documents which led to the appointment of Mr. Vega. Attorney General Reno responded that she would be ''happy to furnish you anything that I can appropriately furnish you on any matter relating to that.'' The Attorney General did not follow up by furnishing information or even to say that there was nothing she could ''appropriately'' furnish.

When you stated that Mr. LaBella was quoted as saying that he did not even get a phone call from the Justice Department that Mr. Vega was going to be nominated, the Attorney General responded that it was her understanding that he did, but that she would check and let you know. Notwithstanding this commitment to respond, she did not do so.

May 5, 1999—Judiciary Committee Hearing—Oversight of the Department of Justice

The Attorney General agreed to respond in writing as to whether there were any ongoing investigations as to Mr. Fowler and Mr. Sullivan. She did not do so.

The Attorney General agreed to respond in writing as to her thoughts on the plea bargain of Peter Lee, specifically the propriety of the sentence given the seriousness of the offense. Notwithstanding this commitment, the Attorney General did not respond.

June 8, 1999—Judiciary Committee Hearing—Closed Hearing

In response to your questions, the Attorney General promised to provide you with the following three things:

1. A report within a month on where DoJ stood on prosecuting WHL.
2. A report on the Peter Lee plea bargain.
3. Details of the Chung plea bargain.

Notwithstanding this commitment, the Attorney General did not provide any of these items.

LETTERS

December 2, 1997

You wrote to the Attorney General requesting that a copy of the Freeh memorandum be made available to the Judiciary and Governmental Affairs Committees. You received a response from Attorney General Reno and Director Freeh on December 8 stating that they must decline your request.

July 10, 1998

You wrote to the Attorney General reiterating your request from December 2, 1997, that a copy of the memorandum from FBI Director Freeh recommending appointment of Independent Counsel on campaign financing reform matters be made available. No response.

July 23, 1998

You wrote to the Attorney General requesting a copy of the LaBella report recommending Independent Counsel. No response.

July 22, 1999

You wrote to the Attorney General (Senator Hatch signed on) requesting all documents in the Department's possession relating to (1) the Department's investigation of illegal activities in connection with the 1996 federal election campaigns, and (2) the Department's investigation of the transfer to China of information relating to the U.S. nuclear program. DOJ staff responded by providing very little information.

September 9, 1999

Together with Senators Hatch and Torricelli, you wrote to the Attorney General regarding the redactions in the transcript of the June 8 closed session hearing. The Attorney General did not respond to you, but instead met separately with Senators Hatch and Leahy on the issue.

September 29, 1999

You wrote to the Attorney General to request the ten pieces of intelligence information mentioned in the United States Department of Justice, Office of Inspector General Special Report on the Handling of FBI Intelligence Information Related to the Justice Department's Campaign Finance Investigation (July, 1999). You further requested any analysis available to the Department of Justice related to the validity of the information and its sustainability for use in a prosecution or relevance to a plea agreement. No response.

September 29, 1999

You wrote a follow-up letter to the Attorney General regarding the documents you requested on July 22, 1999. Again, no response.

March 15, 2000

Your counsel, David Brog, was invited to DOJ offices to review the partially unredacted LaBella memo which had already been reviewed by other members of Congress. When he arrived, he was informed that he could not review, the memo, since the new head of the Campaign Finance Task Force had to review it in order to see if further redactions were necessary in light of some ongoing cases.

March 24, 2000

You wrote to the Attorney General regarding a letter from Assistant Attorney General James Robinson which was sent to Senator Leahy in time for the Judiciary Committee executive business meeting on March 23. You asked her for her view of whether it was proper for Mr. Robinson not to send you a copy of the letter even though you were a topic of the letter. No response.

Mr. SPECTER. Mr. President, I ask unanimous consent that the full text of the Memorandum on the Senate's Oversight Power Regarding Subordinate DOJ Employees and Open DOJ Cases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON THE SENATE'S OVERSIGHT POWER REGARDING SUBORDINATE DOJ EMPLOYEES AND OPEN CASES

1. Congress has broad authority to hear testimony from subordinate DOJ employees and to obtain information regarding open DOJ cases.

Congress has broad authority to conduct oversight of the Executive Branch, including the Department of Justice and the FBI. This authority includes the ability to obtain testimony and documents relating to open DOJ cases, and to take testimony from subordinate DOJ employees such as line attorneys and investigators who have direct knowledge of relevant cases. Congressional oversight authority is succinctly set forth in a recent Congressional Research Service analysis:

''[A] review of congressional investigations that have implicated DOJ or DOJ investigations over the past 70 years from the Palmer Raids and Teapot Dome to Watergate and through Iran-Contra and Rocky Flats, demonstrates that DOJ has been consistently obliged to submit to congressional oversight, regardless of whether litigation is pending, so that Congress is not delayed unduly in investigating misfeasance, malfeasance, or maladministration in DOJ or elsewhere. A number of these inquiries spawned seminal Supreme Court rulings that today provide the legal foundation for the broad congressional power of inquiry. All were contentious and involved Executive claims that committee demands for agency documents and testimony were precluded on the basis of constitutional or common law privilege or policy.

''In the majority of instances reviewed, the testimony of subordinate DOJ employees, such as line attorneys and FBI field agents, was taken formally or informally, and included detailed testimony about specific instances of the Department's failure to prosecute alleged meritorious cases. In all instances, investigating committees were provided with documents respecting open or closed cases that included prosecutorial memoranda, FBI investigative reports, summaries of FBI interviews, memoranda and correspondence prepared during the pendency of cases, confidential instructions outlining the procedures or guidelines to be followed for undercover operations and the surveillance and arrests of suspects, and documents presented to grand juries not protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure, among other similar ''sensitive'' materials. Congressional Research Report,''—*Investgative Oversight: An Introduction to the Practice and Procedure of Congressional Inquiry* pp. 23–24 (April 7, 1995).

2. Examples of prior investigations in which Congress has heard testimony from subordinate DOJ employees and/or obtained information regarding open DOJ cases.

1. Teapot Dome—An Investigation of the Failure of the DOJ to Prosecute Alleged Meritorious Cases

Beginning in 1924, a Senate Select Committee conducted an investigation of ''charges of misfeasance and nonfeasance in the Department of Justice'' in failing to prosecute individuals involved in the Teapot Dome scandal. The Select Committee heard testimony from scores of present and former attorneys and agents of the Department of Justice and the FBI, who offered detailed testimony about specific instances of the Department's failure to prosecute alleged meritorious cases. Some of the cases upon which testimony was offered were still open at the time. The Committee also obtained access to Department documentation, including prosecutorial memoranda, on a wide range of matters.

2. Investigation of FBI Domestic Intelligence Operations

Beginning in 1975, the House Judiciary Subcommittee on Civil and Constitutional Rights held hearings on FBI domestic intelligence operations. At the request of the

Chairman of the Judiciary Committee, the General Accounting Office began a review of FBI operations in this area. In an attempt to analyze current FBI practices, the GAO chose ten FBI offices involved in varying level of domestic intelligence activity, and randomly selected 899 cases in these offices to review. FBI agents prepared a summary of the information contained in the files of each of the selected cases. These summaries described the information that led to opening the investigation, methods and sources of collecting information for the case, instructions from FBI headquarters, and a brief summary of each document in the file. After reviewing the summaries, GAO staff held interviews with the FBI agents involved with the cases, as well as the agents who prepared the summaries. GAO later did a follow up investigation in which it reviewed an additional 319 cases and held interviews with the agents involved with these cases.

3. While Collar Crime in the Oil Industry—An Investigation of the Failure of the DOJ to Effectively Investigate and Prosecute Alleged Crimes

In 1979, joint hearings were held by the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce and the Subcommittee on Crime of the House Judiciary Committee to conduct an inquiry into allegations of fraudulent pricing of fuel in the oil industry and the failure of the Department of Energy and the Department of Justice to effectively investigate and prosecute alleged criminality. A DOJ staff attorney testified in open session as to the reason for not going forward with a particular criminal prosecution. Although a civil prosecution of the same matter was then pending, DOJ agreed to supply the committee with documents leading to the decision not to prosecute.

4. Rocky Flats—A Review of a DOJ Plea Bargain

In 1992, the Subcommittee on Investigations and Oversight of the House Committee on Science, Space, and Technology commenced a review of the plea bargain settlement by the Department of Justice of the government's investigation and prosecution of environmental crimes committed by Rockwell International Corporation in its capacity as manager of the Rocky Flats Nuclear Weapons Facility. The Subcommittee took testimony from the United States Attorney for the District of Colorado, an assistant U.S. Attorney for the District of Colorado, a Department of Justice line attorney and an FBI field agent. It further received voluminous FBI field investigative reports and interview summaries. According to Subcommittee Chairman Howard Wolpe, the Justice Department was not initially cooperative and agreed to the Subcommittee's requests only after the Subcommittee threatened to hold DOJ witnesses in contempt:

''Our investigation was impeded by restrictions imposed by the U.S. Department of Justice. All of the witnesses, upon written instructions from the acting assistant attorney general for the criminal division which were approved by the Attorney General, refused to answer questions concerning internal deliberations in which decisions were made about the investigation and prosecution of Rockwell, the Department of Energy and their employees.''—*Statement of Chairman Wolpe, October 5, 1992.*

On September 23, the Subcommittee unanimously authorized Chairman Wolpe to send a letter to President Bush asking him either to assert executive privilege for the information that the Justice Department directed the witnesses to withhold, or to direct those witnesses to answer such questions. After failing to receive an adequate answer from either the White House or the Justice Department, the Subcommittee declared its intention to hold the U.S. Attorney for the District of Colorado in contempt. At this point, the Department changed course and accepted an agreement which provided that:

''The Department will issue a new instruction letter to all personnel who have received prior instructions directing them not to answer questions concerning deliberative privilege. The new letter will inform them that they must answer all Subcommittee questions fully and truthfully, including those which relate to internal deliberations.'' *Ibid.*

5. DOJ Influence on the EPA—A Review of DOJ Environmental Crime Prosecutions

From 1992 through 1994, the House Subcommittee on Oversight and Investigations conducted an extensive investigation into the impact of Department of Justice activities on the effectiveness of the Environmental Protection Agency's (EPA) criminal enforcement program. Overall, the Subcommittee conducted detailed interviews with more than 40 current and former Justice Department officials concerning the management and operation of the Environmental Division and environmental criminal enforcement policies. The Subcommittee also reviewed hundreds of internal DOJ documents on these matters. As the Subcommittee wrote in its report:

''One of the most significant accomplishments of the Subcommittee's environmental crimes investigation was its reinforcement of a number of important historical precedents regarding Congressional oversight of the Justice Department. The Subcommittee withstood repeated efforts to resist the exercise of its Constitutional responsibilities to oversee Executive Branch agencies. For months, Justice Department officials stalled on Subcommittee requests to interview DOJ line attorney and sought to deny Subcommittee access to numerous primary decision-making documents as well as documents prepared in response to the Subcommittee's investigation. However, the Subcommittee ultimately obtained the interviews and comments it deemed necessary to fulfill its oversight duties in a responsible manner.''—*Damaging Disarray—Organizational Breakdown and Reform in the Justice Department's Environmental Crimes Program,* a staff report prepared for the use of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce of the U.S. House of Representatives. December, 1994.

6. Governmental Affairs Hearing re Wen Ho Lee

On June 9, 1999, Mr. David Ryan, a line attorney at the DOJ OIPR (Office of Intelligence Policy and Review) testified before the Senate Governmental Affairs Committee about details of the Department's handling of the Wen Ho Lee investigation. Mr. Ryan appeared in response to a Committee subpoena.

7. Governmental Affairs Hearing re Charlie Trie

On September 22, 1999, three FBI line agents—Roberta Parker, Daniel Wehr, and Kevin Sheridan, testified before the Senate Governmental Affairs Committee about the details of their investigation into Charlie Trie. These agents appeared in response to Committee subpoenas.

Mr. SPECTER. We are in the midst of some very serious oversight on the Department of Justice. We have seen the Wen Ho Lee case bungled badly by the Department of Justice and the chances for successful prosecution placed in real jeopardy. We have seen very serious espionage violations by Dr. Peter Lee involving nuclear power and involving detection of submarines, to which there were confessions, where a plea bargain was entered into without having a damage assessment and without having the trial attorney notified as to his authority to pursue very serious charges.

It is plain, in the context of what has gone on with the Department of Justice over the past many years in their refusal to provide information for oversight, even after the requests were made, and even after the Attorney General personally agreed to the request, that the only way to get to the bottom of it is to issue subpoenas and insist on congressional oversight so we can find out why these travesties of justice were carried out.

I thank the Chair and yield the floor.

FISCAL YEAR 2001 BUDGET—Continued

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I want to take such time as I may consume on the budget resolution.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CONRAD. Mr. President, we are now in the very happy circumstance, as a nation, to be on the longest economic expansion in our country's entire history. As this headline shows from the February 1 edition of the Washington Post, ''Expansion Is Now Our Nation's Longest.'' This 107 months of economic growth beats the record of the 1960s.

This is a remarkable circumstance as we meet to discuss the budget resolution this year. The question before this body and the other body and the President is, What is the budget policy to pursue to keep this economic expansion going? What is the best set of policies we can adopt?

Perhaps, to make a judgment on those questions, we ought to refresh ourselves on the history of how we got to where we are. This chart shows a comparison of the last three administrations with respect to the budget deficit. It shows, going back to 1981, 20 years ago, that the deficits were rising and rising dramatically, and we embarked on a period of not only expanding deficits but expanding debt in this country—taking on enormous debt. In fact, during this period, we quadrupled the national debt. That fundamentally threatened the economic security of our country. We saw, in the Bush administration, that the deficit absolutely skyrocketed. It went from an already high level of $153 billion all the way up to $290 billion.

Then President Clinton came into office. In 1993, we passed a plan to reduce budget deficits, to start getting our fiscal house in order. That was a 5-year plan. We can look at the 5 years of that plan and we can see that each and every year the deficit was coming down and coming down quite sharply. Those

were very important decisions that were made in 1993. If my colleagues will permit me to sound a partisan note, not a single Republican voted for this plan of reducing the budget deficit. It was a controversial plan that cut spending and, yes, raised income taxes on the wealthiest 1 percent in this country. But let's remember what worked. It worked. It brought the deficits down. It got our country back on sound financial footing.

Then, in 1997, we passed a second plan. This time, it was bipartisan. This time, we worked together and it finished the job so that we are now running substantial surpluses. In fact, as shown here in 1998, a $70 billion unified surplus; in 1999, there was a $124 billion unified surplus. In the year 2000, we anticipate a $176 billion budget surplus. These are surpluses, the last 2 years, even counting Social Security as a separate trust fund. In other words, not including Social Security in the calculation, we balanced 2 years ago, last year, and will balance again this year. So we have made enormous progress in this country.

What a difference it has made. Because we got on a sounder financial footing, that took pressure off of interest rates. Lower interest rates contributed to making our economy more competitive. It took Government out of the position of competing with the private sector for funds, so interest rates came down. That made room for more productive investment. What we saw was an explosion in jobs. Over 20 million new jobs were created during this period. But the good news didn't stop there. We saw the unemployment rate drop to its lowest level in 42 years.

The point I am making is that we are pursuing an economic strategy that is working. It is working well for our country. We should not abandon it for risky schemes that some might propose. The unemployment rate is the lowest in 42 years. The inflation rate is at the lowest sustained level since 1965. These are facts. These tell us the economic game plan and strategy we embarked on in 1993 is working and working well. We have talked about deficits—and, of course, the deficits are the annual difference between the spending of the Federal Government and the revenue of the Federal Government. We also need to talk about the national debt. The debt is the cumulative total of the deficits. People often get confused about this question. But that is the difference. The deficits are the annual difference between spending and revenue. Of course, we don't have deficits anymore. We are in surplus, very significant surplus. The debt is the cumulative total of all those annual deficits. Even that debt is starting to come down. You can see we are right here on the line, so we have turned the corner.

We are actually starting to pay down the national debt. That is a course we must continue. It is absolutely critical for our economic future to keep paying down this debt. In fact, we are now in a position where we could pay off the national debt, completely retire the publicly held national debt, by the year 2013.

That is precisely what we should do to put our country in a strong position for when the baby boomers start to retire. We all know what is going to happen then. We are going to see a substantial increase in pressure on Social Security, Medicare, and other Federal programs. The best way to prepare for that day is to grow the economy so that it is best positioned to take that burden. How can we do that? Well, central to doing it is to get rid of this debt, dump this debt. That ought to be on the top priority list of every Member in this Chamber.

That is the record—a very positive record—of what has occurred. It doesn't end there because not only have we seen extraordinary periods of economic growth, not only have we seen the lowest unemployment, the lowest rate of inflation in many, many years—in fact, in decades—we have also seen Federal spending put under control. We now see that Federal spending is at the lowest level since 1966 as a share of our national income. This is as a percentage of our gross domestic product. We can see that we got to a period back in the 1980s where Federal spending was over 23 percent of our gross domestic product. Look where we are now. We are down below 19 percent and headed lower if we stay on this course. It is remarkable what has happened.

If we look at what the priorities are now of the various budget resolutions before us, this is what we see by way of comparison. Over the next 5 years of this budget resolution, we project a non-Social Security surplus of $171 billion. That is based on the assumption of no real growth in the Federal budget. That is what is called a real spending freeze. It adjusts for inflation, but nothing more. So over the next 5 years, we would have $171 billion under that set of assumptions—a real spending freeze and adjustments for inflation, but no more. Our Republican friends believe we ought to use nearly all of that money for a tax cut. This is the Senate plan, a $150 billion tax cut. With the $18 billion in interest that would cost, it would be a total of $168 billion.

On the House side, you can see their plan: $223 billion, a tax cut of $150 billion, plus they have a $50 billion reserve for a tax cut, plus the $23 billion of interest costs that would be entailed in that plan, for a total of $223 billion.

You see that the problem with the plan is they use more than the surplus than is available. Where is the money going to come from? I think we all know what will happen. They will be right back to the bad old days of raiding the Social Security trust funds. That is what they will do. That would be a profound mistake. We can't let them do it.

That is why these votes that are to come are so important.

It is one reason you see these headlines that the Republicans have avoided the vote on the Bush tax cut. They avoided it in the House, and they avoided it in the Senate because they know the Bush plan is even more skewed than the plans they have passed. The Bush plan has a much larger tax cut. There can be no question that his plan must raid Social Security in order to add up. There is no money left over under his plan for further reduction of the debt. There is no money under his plan to extend the solvency of Medicare. There is no money under his plan for other high priority domestic needs because he is taking all the money and all the non-Social Security surplus and much more and giving it in a tax cut to the wealthiest among us.

That is the question before us as a people. What are we going to do with these forecasts of surpluses?

Let's remember their projections are over an extended period of time—5 years. Many of us believe these projections will change and that they are not something on which we can count.

We look at the plan Mr. Bush has put before all of us as a people. We can see that over 5 years he proposes $483 billion in tax cuts. But we only have $171 billion available in non-Social Security surpluses. Where is the rest of the money going to come from? It can only come from one place: He is going to have to raid Social Security. He is going to have to go back to the bad old days of dipping in the till on Social Security. That is a profound mistake. It is no wonder they have avoided votes on that tax cut plan on both the House and Senate sides.

Beyond that, the Bush proposal is unfair because he is saying take 60 percent of the benefit of his massive tax cut and give it to the wealthiest 10 percent in the country. That is his plan. Senator MCCAIN said it very well during his campaign. He said over and over again that 60 percent of the benefit in the Bush tax cut goes to the wealthiest 10 percent. I even heard Senator MCCAIN make the statement that 36 percent of the benefit goes to the wealthiest 1 percent. Mr. Bush has made the point over and over that these surpluses belong to the American people. They do not belong to the Government. He is exactly right about that.

These surpluses belong to the American people. The question is, What do we do with them? Do we give them to the wealthiest among us, or do we put the highest priority on taking a significant chunk of those funds and pay down the people's debt? I submit to you the better approach is to take the significant majority of these funds and pay down our national debt. That is what we ought to do. That is in the best interests of the American people—not take the big chunk of this non-Social Security surplus—in fact, under the Bush plan take more than there is in the surplus—and hand it out to the wealthiest among us. It is much better to pay down the people's debt.

If we look back and remember the history of what occurred, if we go back to the 1980s when we had those massive deficits, the blue line shows the outlays, the expenditures of the Federal Government. The red line shows the revenue of the Federal Government. It is not hard to figure out why we had massive deficits. The spending line was much higher than the revenue line.

It wasn't until 1993—we passed a 5-year plan that took down the spending line and raised the revenue line—that we were able to balance the budget. That is the history of what has worked. We should stay on this course. We shouldn't go out and go on a big new spending binge. We shouldn't go out and have a massive, risky tax scheme that threatens this economic expansion and this economic success story. Why would we do that? We have a plan that is working. We have a plan that is producing results for this country.

As we look ahead, some say because the revenue line has gone up that we have the highest taxes in our country's history; not true. We have the highest tax revenue. We don't have the highest taxes. I know that seems odd to people. How can that be? How can you have high revenue but not high taxes? The reason is this economic boom has generated dramatic revenue. We are in a virtuous cycle where good fiscal policy and good monetary policy have helped this economy grow. And the genius of the American people has developed the circumstance in which our economic expansion is extraordinary. Because we have this revenue, we are in a situation that has allowed us to actually reduce taxes on individual taxpayers.

That is not just KENT CONRAD's statement. That is a review of the Federal tax system that shows that the Federal tax level falls for most people. The studies show the burden now less than 10 percent. In fact, as this newspaper story says, for all but the wealthiest Americans, the Federal income tax burden has ''shrunk'' to the lowest level in four decades.

Those who come out here and say we have the highest tax ever—no, no. We have the best tax revenues ever. We have the most income ever. We don't have the highest taxes ever. Tax rates for individual American taxpayers have gone down. That is not the result of some study by some liberal think tank. This is a result of the work of the Congressional Budget Office. This is the work of the Treasury Department. This is the work of the conservative Tax Foundation. These are their conclusions—that tax rates have actually gone down.

Let's look at what those studies reveal. This is for a family of four earning $39,000 in 1999. This is according to the Congressional Budget Office. This is their total tax burden for Federal income taxes. You can see their Federal income taxes have gone down from 8.3 percent to 5.4 percent from 1981 to 1999. It is not just a family earning $39,000, but this is what happened to the income tax burden for a median-income family earning $68,000 in 1999. Their tax burden has gone from 10.4 percent in 1957 to 8.9 percent in 1998. This is according to the very conservative Tax Foundation.

Mr. President and colleagues, this is the history. This is how we have gotten to where we are today—by getting our fiscal house in order; by cutting spending; yes, by raising revenue on the wealthiest 1 percent in this country and lowering taxes on the vast majority of the American people through expansion of the earned-income tax; by the $500 child care credit; lowering taxes on the vast majority of the American people; and now we are in this position of being able to actually retire the publicly held debt by the year 2013.

Virtually every economist that has come before us on the Budget Committee and on the Finance Committee said this is exactly what you should do—make the priority paying down the debt.

Alan Greenspan, the head of the Federal Reserve, says pay down debt first.

''The best use of surplus is to reduce red ink, the Fed chief says.''

RECESS

The PRESIDING OFFICER. The time is 12:30. The agreement is the Senate will go into recess at 12:30.

Mr. LAUTENBERG. I ask unanimous consent the time be extended because there are Senators who want to speak.

The PRESIDING OFFICER. In my capacity as a Senator from Colorado, I object.

Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

FISCAL YEAR 2001 BUDGET—Continued

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I inquire how much time we have used up totally off the resolution?

The PRESIDING OFFICER. The majority has used 1 hour, 31 minutes; the minority, 1 hour, 23 minutes.

Mr. DOMENICI. For a total of what?

The PRESIDING OFFICER. About 3 hours.

Mr. LAUTENBERG. It is 2 hours 54 minutes.

Mr. DOMENICI. I understand from the minority they want to let Senator CONRAD complete his speech, and I am more than willing to do that. Will he be along shortly?

Mr. LAUTENBERG. I am told he will be. But I do not want to hold up the process if there is someone on the other side who seeks recognition.

Mr. DOMENICI. Senator HUTCHISON has an amendment. I have indicated to her we are trying to work on a process for 5 amendments, and hers would probably be one of those from our side. So I would rather we not proceed with any amendments for now.

Mr. LAUTENBERG. I appreciate that. There has to be an orderly structure here. There are lots of Senators who want to offer amendments and Senators who want to just speak on the resolution itself. We will need some time to do that. If we can ask our Members to just hold off until an agreement has been reached, then I think we will have a more orderly process.

Mr. DOMENICI. Would Senator HUTCHISON like to deliver a speech about her subject rather than offering the amendment? She can do both, speak to the issue and then we can work out if hers is one of the amendments. We will know about that shortly. If not, she is going to be free to offer it, subject to a second-degree amendment, of course.

Would the Senator want to speak to the marriage penalty a little bit just as a matter of substance for the Senate?

Mrs. HUTCHISON. Let me ask a question. If I started with the speech on the marriage penalty, then Senator CONRAD would start on his speech and we would be negotiating how the amendments are handled, is that what the Senator is suggesting?

Mr. LAUTENBERG. If I might, Mr. President, Senator CONRAD wanted to finish his opening remarks. Certainly we invite anybody, from either side, to do that. But if we can hold off until he makes his remarks, assuming he will be here momentarily, then we can talk together about whether or not we can make an agreement that would constitute a specific number of amendments, equally distributed here, so we can begin a process of amendments. I would certainly like to do that.

Mr. DOMENICI. Senator HUTCHISON's remarks, if she makes them now, would not prejudice her coming along later, with reference to the same subject, and offering an amendment. But I can't assure her hers would be the first amendment up. I am trying to work out a five and five, so we can get on using up some of the time on the resolution. I can yield to the Senator if she desires. If not, I will suggest the absence of a quorum call.

Mrs. HUTCHISON. Mr. President, I would love to talk for maybe 5 minutes, prefatory, but I prefer to have my real debate on the issue come during the debate on the amendment.

Mr. DOMENICI. I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, while the negotiations are going on, I will say it is my intention to offer an amendment, which would be a sense-of-the-Senate amendment, that we would eliminate the marriage tax penalty in this country. Certainly, the sense-of-the-Senate is quite short and pretty

clear. The Senate would find that marriage is the foundation of American society; that the Tax Code should not penalize those who choose to marry; that a report to the Treasury Department's Office of Tax Analysis estimates that, in 1999, 48 percent of married couples will pay a marriage penalty under the present system; that averages $1,400 a year. The sense-of-the-Senate amendment will be that Congress shall pass marriage penalty tax elimination legislation that begins a phaseout of this penalty in 2001, pass marriage penalty tax legislation that does not discriminate against stay-at-home spouses, and consider such legislation prior to April 15, 2000.

We are scheduled to debate marriage penalty relief next week. It is certainly appropriate that we say to these people the week they are beginning to write their checks to the IRS: If you are paying $600 more or $1,000 more or $1,400 more just because you are married, help is on the way; the Senate is committed to eliminating this tax.

I do not even think we ought to call it a tax cut. This is a tax correction. This is a correction of an inequity in our code.

That clearly and simply is what my sense-of-the-Senate amendment is. It is provided for in the budget resolution before us. The Senator from New Mexico has provided $150 billion in this budget for tax relief for hard-working Americans.

If one looks at the tax relief we have already passed in the Senate, it still would not reach $150 billion. We passed tax relief for Social Security recipients so people between the ages of 65 and 70 could work without being penalized. We have passed tax relief for small businesspeople who are hard hit with the many regulations and taxes that are put on their businesses. We have provided tax relief for families who are trying to provide enhancements for their children's education. Senator COVERDELL has been the lead on that bill which gives people the ability to take tax credits and tax deductions when they have to buy their children computers, books, tutors, or enhance college tuition or private school tuition—whatever the cost is to parents, to give children the enhancement their parents believe they need and that their parents would be able to give from tax cuts. And we add on top of those marriage penalty relief.

We met with some wonderful people this morning—real people—who are suffering from the marriage penalty. The bill that will come up next week has the elimination of that penalty.

Kervin and Marsha Johnson met with us today. Kervin is a District of Columbia police officer. His wife is a Federal employee. They were married last July. This year they will owe $1,000 more in taxes because they got married. They are newlyweds. They were shocked that this happened.

We also met with Eric and Ayla Hemeon. Eric is a volunteer firefighter who also works for a printing company. She works for a small business. They have been married for 2 years and are expecting their first child in about a month. Ayla talked to us about what this means. What it means to them is $1,100 they are paying to Uncle Sam instead of doing something to benefit their first child who is almost here.

We had the two newlyweds, and then we had an older couple who met with our group this morning, Lawrence and Brendalyn Garrison. He is a corrections officer at Lorton, and she is a teacher in Fairfax County. Last year, they paid about a $600 marriage penalty.

When we talked to them about what the bill which will come up next week would do for them, they said: Gosh, do you think you could make it retroactive? Because they have been married for 25 years.

These are real people with real faces who would get marriage penalty relief.

Mr. President, I will stop and yield the rest of my time to Senator SESSIONS. I ask the Senator from New Mexico if he will allow me to take 5 extra minutes for the Senator from Alabama.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator from New Mexico yield 5 minutes to the Senator from Alabama?

Mr. DOMENICI. I yield as much time as the Senator from Texas wants.

Mrs. HUTCHISON. I will be happy to yield such time to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Texas for her leadership in this effort, Senator ROTH for his determination to make it a reality, and Senator DOMENICI for providing us an opportunity in this budget to try to end a penalty on marriage in America.

The time has come. We have talked about it long enough. We have a national consensus to end this penalty. I have 425,000 Alabama families, 48 percent of the married couples, who are paying excess taxes simply because they got married. I know a couple who divorced and found they had received a $1,600 bonus by being divorced.

Think about that. The U.S. Government is saying to married couples: If you divorce, on average you will receive a $1,400 tax benefit. At the same time, if you get married, you are going to pay a $1,400 tax increase—unbelievable in a society that is experiencing substantial social problems from the breakup of families.

I chair the Youth Violence Subcommittee in the Judiciary Committee. We have had a lot of testimony, and I have done a study over the years as a prosecutor, about why crime is occurring. Why are so many young people involved in crime? Why is the crime rate higher with young people than among older people?

One reason is we have an extraordinary decline in the unity of the family. More families have broken up in the last 20, 30 years than in the history of the world. In fact, the distinguished senior Senator from New York, Mr. MOYNIHAN, who studied these issues, said one time that in the history of the world, no nation has ever gone forward with the kind of family breakups we have in America today.

We do not know what the long-term consequences are. But more and more studies indicate that all in all, it is better if we have an intact family. We have a U.S. Government policy to penalize marriage. That is not the right way for us to go.

I am so thankful we are now moving to a vote on this piece of legislation. People are going to have to stand up and be counted and defend the practice of taxing people who decide to get married and raise a family in America.

The numbers, as the Senator from Texas said, are stunning. We have a policeman and civil servant paying $1,000 extra a year, married for 2 years; a volunteer fireman, a printer, and a small businessperson paying $1,100 extra per year.

What does that mean? That is $100 a month. That is $100 a month aftertax money that could have been in their pockets, but the Federal Government reached in and took it out to spend on programs.

I am of the belief that is wrong. What can that young couple do with $100 a month? They can maybe start a savings account, maybe buy a new set of tires for their car—at least maybe a couple tires each month—or put a muffler on their car, or send their child to school with money for a project or a program, let them go to a movie or two every other week. This is real money for real people. I am glad we had Senator HUTCHISON and others this morning who brought forth couples who are paying this tax to help us recognize that we are dealing with a problem that needs to end.

I believe, and our Nation has always believed until recent years, that public policy does affect behavior.

What we want to do when we adopt a public policy position is, we want to ask ourselves, will this foster good behavior or will it encourage bad behavior? I suggest we have a policy that is not only unfair but it is damaging to our goal as a nation to affirm and encourage marriage, to encourage partnership in the marital union in the raising of families. Taxing that is not good public policy. The end of it is long overdue.

I am glad we will soon have a vote. I do hope and pray that the vote will be overwhelmingly to end this penalty.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I yield such time as he needs to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the budget process is our chance to set

clear priorities for America's future. The budget which the Senate adopts this week will say a great deal about the values of those who vote for it. Our vote on this budget will emphasize what each of us supports. It is easy to pay lip service to meeting the Nation's unmet needs, but are we willing to allocate resources in a manner that will effectively address those needs?

This is a time of unparalleled prosperity. Both the CBO and OMB project budget surpluses far into the future. We will never have a greater opportunity to meet America's unmet needs than we have today—to improve the quality of education for all children; to strengthen Social Security and Medicare in a way that will provide a secure and healthy retirement for future generations, as well as a prescription drug benefit; to provide access to good health care for millions of uninsured families; to make communities safer by keeping guns out of the wrong hands, and by increasing the number of police officers on our streets; and to expand scientific research to keep America on the cutting edge of progress.

These are the great challenges of our time. Unfortunately, the budget presented by the Republican majority does not meet those challenges. It would actually cut spending on domestic discretionary programs by more than 6 percent, by well over $100 billion over the next 5 years.

These cuts are far from necessary to curb uncontrolled Federal spending or to reduce inflationary pressure on the economy. In fact, even according to the Senate Budget Committee, and its Republican staff, the amount provided for nondefense discretionary spending as a percentage of GNP is the lowest share for this category since such statistics have been compiled.

We are already spending less on domestic discretionary programs as a percent of GNP than we ever have before. So why do our Republican friends propose more drastic reductions? The answer is, so they can provide more tax cuts for the wealthy.

The Republican budget would use up essentially the entire surplus with extravagant tax cuts, primarily benefiting the wealthiest individuals and corporations in our society.

CBO projects an on-budget surplus over the next 5 years of $171 billion. The proposed GOP budget would use all but $3 billion of that total amount to finance ill-conceived tax cut schemes. They propose a minimum of $150 billion in tax cuts over the next 5 years. Because those tax cuts will delay repayment of the national debt, they will cost an additional $18 billion in higher interest payments on the debt, as well.

Also, according to this GOP budget, if the projected surplus increases, the additional amount must be used for even larger tax cuts. The extra amount cannot be used to restore any portion of the serious cuts in domestic programs.

But this is only the tip of the tax-cut iceberg.

Last year, Republicans proposed a ten-year budget to the Congress. They did so because using 10-year numbers enabled them to emphasize how large their proposed tax cut was—$792 billion. It demonstrated how rapidly the size of their tax cut would grow—from $156 billion in the first 5 years, to $635 billion in the second 5 years—or more than four times as much revenue.

But the Republicans badly miscalculated the reaction of the American people. By large margins, the public agreed that the tax cut was far too large, because it would harm the economy and make it impossible for us to achieve the priority national investments needed to keep our economy and the country strong for the future.

The American people consistently said that Congress should use the surplus to put Social Security and Medicare on a sound financial footing, before acting on large tax cuts. In fact, the American people displayed a great deal more common sense than the Republican leadership.

This year, Congressional Republicans have responded to these concerns by using a 5-year projection instead of a 10-year projection. By considering only the first 5 years, they hope to conceal the true magnitude of their tax cut scheme. Rather than reducing the size of their tax cut, they are simply attempting to change the terms of the debate from 10 years to 5 years. But this Republican accounting gimmick won't work. The GOP tax cuts being proposed this year are just as large, if not larger, than last year. The Republican strategy is now to enact a stealth tax cut, concealing its true long-term cost from the public.

How do we know their intent, since the budget is silent beyond fiscal year 2005? Consider the tax cut plans which the Republicans have already brought to the floor this year. The House version of marriage penalty relief would cost $51 billion over the first 5 years—but rises sharply to $182 billion over 10 years. The plan produced by Senate Republicans would cost $70 billion over 5 years, and dramatically increases to $248 billion over 10 years.

The Senate tax package attached to the minimum wage legislation costs $18 billion over the first 5 years—but grows to $76 billion over 10 years. The annual cost by the 10th year would be nearly as large as the cost over the entire first 5 years. Similarly, the House tax package tied to the minimum wage costs $46 billion from fiscal year 2000 to 2005—but $123 billion over the full 10-year period.

Clearly, Republicans have not abandoned their plan for tax breaks costing far more than the country can afford. They are now spending the tax cuts over several bills, rather than combining them in one massive measure, and they're attempting to limit discussion of the budgetary impact to the first 5 years. All of these GOP tax breaks are steeply backloaded. They mushroom in cost after the first 5 years. It is a stealth tax break strategy, and it cannot stand the light of public debate.

Defenders of the budget resolution contend that it does not mandate the form which the tax cut will take, and it is wrong to claim that the tax cuts will disproportionately benefit the wealthiest taxpayers. That argument is truly disingenuous. It asks us to ignore the abundant evidence provided by the recent history of Republican tax cut proposals. Let us look at the record.

Last year, Republicans passed their ill-fated $800 billion tax cut. Under that legislation, 81 percent of the tax benefits would have gone to the wealthiest 20 percent of taxpayers. The richest 1 percent of taxpayers—those with incomes averaging $800,000 a year—would have received 41 percent of the total tax benefits, a tax saving of as much as $46,000 a year. In stark contrast, working families comprising 60 percent of taxpayers would have shared less than 8.5 percent of the tax savings, an average tax cut of only $138 a year.

The Republican Presidential nominee, Governor George W. Bush, tells us his tax cut is designed to ''take down the toll booth on the road to the middle class.'' However, 73 percent of the overall tax benefits in his massive tax cut proposal—$1,8 trillion over 10 years—would go to the wealthiest 20 percent of taxpayers—37 percent of the tax breaks would go to the richest 1 percent of taxpayers. That ''toll booth'' Governor Bush loves to talk about is on a highway most Americans never travel. Just 11 percent of the tax benefits under the Bush plan would go to the less affluent 60 percent of working men and women.

This year, congressional Republicans have rushed to pass tax cut proposals before the budget is even adopted. These tax cuts have already consumed $115 billion of the surplus over the next 5 years and $443 billion over 10 years. The Marriage Penalty Relief Act passed by the House would cost $182 billion over 10 years, and 77.8 percent of the tax benefits would go to the most affluent 20 percent of taxpayers. The Senate version reported out of the Finance Committee last week would cost even more, $248 billion over 10 years, and gives an even larger share of the tax savaings—78.3 percent—to the wealthiest taxpayers. In both bills, the majority of the tax benefits actually go to couples who are not even paying a marriage penalty.

In addition, as the Republican leadership's price for allowing a modest increase in the minimum wages the House recently passed a $123 billion/10-year package of tax cuts. Eighty-nine percent of the tax breaks in that bill would go to the richest 5 percent of taxpayers, while 90 percent of taxpayers would share less than 8.5 percent of the tax benefits.

In light of this history, there is no doubt that the benefits of any tax cut passed by this Republican Congress will be distributed in a blatantly unfair

way, and will be designed to benefit the richest individuals and corporations in our society.

I support reasonable, targeted tax cuts that benefit low- and middle-income working families. But by enacting tax cuts of the magnitude proposed by the Republicans, we will lose the best opportunity in decades to meet America's unmet needs. We will also forfeit the opportunity to strengthen Social Security and Medicare for future generations of retirees. Our shortsightedness will be justifiably condemned by future generations as they struggle to deal with the national needs we are so irresponsibly ignoring.

The larger the tax cut, the less is available for debt reduction and investments in national priorities, such as education, prescription drugs for senior citizens, and research on energy and health.

The Republican budget shortchanges all of these priorities. Alongside their massive tax cuts, Republicans make reductions in domestic investments that are historically unprecedented. They want to reduce discretionary spending on domestic priorities, as I mentioned, by more than 6 percent in real dollars over the next 5 years, even though our population is growing and even though present funding for many programs is already inadequate.

We are not talking about creating new programs or expanding existing programs. By reducing the Government's ability to maintain even the current level of services, Republicans forfeit any hope of addressing the Nation's unmet priorities. Even in this time of prosperity, we are not meeting the basic needs of large numbers of our people.

One in five of the Nation's children lives in poverty. Three out of four third graders read below grade level. Hunger in low-income working families has become a national crisis, with food pantries and soup kitchens unable to meet the daily needs for their services. Forty-three million people have no health insurance. That number is increasing by a million a year. The number of low-income renters who pay more than half of their income for housing or who live in dilapidated housing has reached an all-time high—a searing problem in many different parts of the country.

One of the darker sides of this extraordinary economic boom has been the explosion of the cost of housing, the cost of rent for working families. The need for decent, affordable housing for working families is prohibitive in so many parts of America. There is very little in this budget that would address that particular need.

Low-income families are forced to place thousands of children in poor-quality child care while they meet their work responsibilities under the welfare reform. Every State in this country has long lines of working parents who desire to have child care for their children while they continue to work—and work hard—to provide for them.

This Republican budget would eliminate our ability to respond to these grave concerns. Make no mistake about it, the spending cuts that would be required to pay for these Republican tax breaks would have very real consequences for the Nation.

Compared to the President's budget, Republicans would force the following cuts in the next year alone:

20 million fewer meals delivered to ill and disabled seniors;

2 million fewer uninsured people with access to health care;

1.6 million fewer children in quality afterschool programs;

750,000 fewer infants receiving nutrition supplements;

644,000 fewer at-risk students helped with college preparation;

400,000 fewer families assisted with heating costs;

152,000 fewer State and Federal law enforcement officers;

120,000 fewer housing vouchers for families in poverty;

118,000 fewer dislocated workers helped to reenter the workforce;

88,000 fewer job opportunities for youth;

71,000 fewer college students assisted with Pell grants;

62,000 fewer children in Head Start;

30,000 fewer children immunized;

20,000 fewer elementary school teachers hired to reduce class sizes; and

11,000 fewer public schools prepared and ready for the 21st century.

That is what happens. We talk about a percentage of cuts in existing programs. When you apply those cuts to programs that are targeted for these needy groups, these figures that I have related indicate what the results will be.

These are only a small part of the opportunities that will be lost if the Republicans' risky tax cut becomes law. All nondefense discretionary programs will be cut by an average exceeding the 6 percent under the Republican plan. These cuts include meat and poultry inspection, Superfund toxic waste cleanups, National Science Foundation research, the Coast Guard, antidrug efforts, NASA, National Parks, and HIV/AIDS treatment and prevention.

Republicans have had a long history of cutting needed programs. They tried to abolish the Department of Education and the Department of Energy, both of which are essential for addressing today's urgent problems. Last year's GOP resolution also called for a massive cut in non-defense discretionary spending. After months of fighting Democrats and further threats of government shutdowns, the Republicans gave up their attempt to slash Head Start, education, worker protection, environment, and energy programs. In the end, Democrats succeeded in protecting non-defense discretionary programs from real cuts last year. I want to put my Republican friends on notice that, just like last year, we will stay here as long as it takes this year to ensure that the reckless and heartless cuts in this budget resolution do not become law.

This is not the first, but the fourth, time that Republicans have tried and failed to sacrifice domestic investments for tax breaks for the wealthy. So we can anticipate how they'll attempt to avoid the consequences of their actions this time. They'll begin by promising to increase funding for a few programs. They will emphasize only these increases, while neglecting to mention the hundreds of other programs that will be drastically cut. OMB estimates that if Republicans keep their promises to increase or hold harmless programs in elementary and secondary education, the National Institutes of Health, and veterans' health, all other non-defense discretionary programs will have to be cut by 10 percent.

Another Republican gimmick used to conceal their harsh spending cuts is to compare spending levels without accounting for inflation. Even George W. Bush does not use this tactic. When candidate Bush claimed that spending only increased 2.5 percent during his years as Texas Governor, he accounted not only for inflation, but also for population growth over this time. If Republicans followed this reasonable accounting method, the average domestic discretionary spending cuts required by Republicans under this budget resolution would far exceed 6 percent.

After Republicans finish trying to convince us that their spending cuts will be painless, we can expect them once again to oppose waste, fraud, and abuse. All of us support eliminating waste, fraud, and abuse—in defense and non-defense programs alike. But the proponents of this GOP budget resolution are living in a fantasy world if they believe that preventing waste fraud, and abuse is going to make up for anything more than a small fraction of the massive cuts in their budget resolution.

Thanks in large part to Vice President GORE's leadership in his Reinventing Government Initiative, the federal government is leaner, more efficient, and more citizen-friendly than ever. If Republicans think they can find $105 billion over 5 years in waste, fraud, and abuse, then they should condition their tax cut on finding it. They should not condition the education or health or other priorities on abstract, unproved, and never-before-realized savings in waste, fraud, and abuse.

The party that gives us this budget resolution is the same party that last year brought us ''smoke and mirrors,'' and untold numbers of accounting gimmicks. The Republican bag of tricks is doubtless full again this year, and we need only stay tuned to see how they can make their numbers add up to protect their tax breaks for the rich.

Our Democratic alternative budget is in sharp contrast to the Republican budget resolution. These two alternatives provide Americans with a clear

picture of the opposite directions that the two parties want to take the nation.

Rather than squandering the surplus on tax breaks for the rich, Democrats continue to strengthen the basic priorities to ensure that all Americans can reach their full potential. Not only is this the right way to treat our fellow citizens, it is the only sound policy for strengthening the nation's future and maintaining its world leadership. On investments in the nation's future, the differences between Republicans and Democrats are like night and day.

I believe that the American people will support our Democratic alternative, and will reject the wholesale ravaging of domestic programs proposed by the Republican budget. The Democratic alternative sets forth a more balanced and fiscally prudent way to allocate our resources. It provides more for debt reduction than the Republican budget. It does not endanger the Social Security surplus, by making unrealistic budget assumptions which cannot be met.

It provides substantial support to assist senior citizens with the cost of prescription drugs, and it sets a firm date for the Finance Committee to act on a prescription drug proposal. The Republican prescription drug proposal underfunded, and it is subject to so many contingencies that it is unlikely to ever materialize.

The Democratic budget also makes a concrete commitment to strengthening Medicare by reserving a portion of the surplus expressly for Medicare each year. The Republican budget does not. The Democratic budget fully funds the President's requests for education, health care, and other domestic priorities, and contains his proposed increase in defense spending. It does not shortchange investment in the vital domestic programs which improve the lives of millions of Americans. While accomplishing all of these goals, our Democratic plan still is able to offer $59 billion in tax cuts over the next 5 years, targeted to working families.

There is no reason to threaten the well-being of the American people by enacting tax cuts far larger than we can afford. The magnitude of the Republican tax cut would deprive us of the flexibility we will need, if revenues do not meet projections due to a slowing in the economy, or if emergency spending is required to address domestic and international crises.

The precarious balance achieved by the Republican budget depends on a reduction in the rate of spending on domestic programs which would be unprecedented. Congress will not and should not cut domestic priorities that deeply. By setting unrealistically low spending levels, the Republicans actually undermine compliance with the budget process. Just as they did last year, members on both sides of the aisle will refuse to make the deep domestic cuts called for by the Republican budget. If the surplus has already been used for excessive tax cuts, revenues will not be there to restore funding for these urgent domestic programs.

This type of irresponsible budget also jeopardizes the Social Security surplus. Both parties have pledged to use the Social Security surplus solely to meet Social Security's future needs. That is the right thing to do. But, as the events of last year amply demonstrate, the Social Security surplus is threatened when we fail to reserve sufficient funds to adequately support domestic priorities and cover emergency needs. In fact, CBO determined last fall that the lock box protecting the Social Security surplus was in danger of being broken. The threat was not eliminated until January, when revenue estimates increased beyond earlier projections. If we are serious about protecting the Social Security surplus, we should not consume the entire on-budget surplus in tax cuts. These massive tax cuts are irresponsible. They do not deserve to pass.

Mr. President, if we are serious about protecting the Social Security surplus, we should not consume the entire projected on-budget surplus, and these massive tax cuts are irresponsible. They do not deserve to pass. The Democratic alternative does.

Mr. President, the point I was making was that virtually every economist who has come before the Budget Committee or the Finance Committee has told us our highest priority in this budget ought to be to pay down the debt. Not only have the economists told us that, but Chairman Greenspan, head of the Federal Reserve, has told us that clearly and unequivocally.

This is from the January 27, 2000, Washington Post, Business Section. The headline is: ''Pay Down the Debt First, Greenspan Urges.'' It reads, ''He says the best use of the surplus is to reduce red ink.''

I think the Federal Reserve Chairman has it exactly right. In this budget the Democrats will be proposing, we save every penny of Social Security for Social Security. We put an emphasis and priority on paying down the debt. We also have sufficient resources to protect Medicare, to provide prescription drugs, and to make an investment in education, which I think all of us believe is our future. Also, we provide for a tax cut for working families.

In the Democratic budget proposal, debt reduction is the highest priority. This may come as a surprise to many. Debt reduction is the priority of the Democratic budget because this is what will most assure our financial security into the future. Over the 10 years of the Democratic budget plan, 82 percent of all the projected surpluses are dedicated to debt reduction; debt service is 3 percent; 14 percent is for health initiatives, tax cuts, and other high-priority domestic needs.

Mr. President, in looking at the non-Social Security surplus, our priorities are as follows: Again, the top priority is given to debt reduction—36 percent of the non-Social Security surplus to debt reduction; 29 percent to tax cuts; 23 percent to prescription drugs and other initiatives; 11 percent to interest costs. We think those are the appropriate priorities for the country, the appropriate priorities for the Senate, and the appropriate priorities for the Congress. We very much hope that people will give close consideration to that alternative when it is voted on.

Let me conclude by again publicly commending the chairman of the Budget Committee, Senator DOMENICI. It is not easy to bring a budget resolution to the floor. I think there is perhaps no more difficult job in the Senate than bringing a budget resolution. Once again, Senator DOMENICI has done it and he has done it under challenging circumstances. It is always challenging to bring a budget resolution to the floor. I commend him for his leadership. I also thank our ranking member, Senator LAUTENBERG, who has given extraordinary leadership to those of us on the Democratic side.

I am proud of the budget alternative we will offer. It is a budget that is in line with the priorities of the American people, which puts debt reduction first, focuses on securing Social Security, extending the solvency of Medicare, and providing for high-priority domestic needs such as defense and education and agriculture, and that also has room for tax cuts targeted to working families with an emphasis on incentives for savings. That is one area where we are not doing so well in the national economy. We are not doing a good job with savings as a society. We should provide the incentive for people to save more.

I yield the floor. I thank the Chair. I thank my colleagues for their courtesy.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, although we should be rotating, on our side Senator GRAMS has been willing to have Senator BYRD go next, and then Senator GRAMS, if that is all right with Senator LAUTENBERG.

Mr. LAUTENBERG. I yield the remainder of my time.

Mr. DOMENICI. Mr. President, if I may speak for 2 minutes, I don't have any big charts to show you, but I want to put this up. It may be the best way to explain our budget. It is very simple.

The non-Social Security surplus total for the years 2001 through 2005 is $400 billion. That is the amount of surplus that will be available during the next 5 years, locking up Social Security in a lockbox. Don't use it. That is $400 billion.

That $400 billion, as we see it, will be spent using $230 billion for new spending, $150 billion for tax reductions and tax relief and debt reduction, with an additional $20 billion to go along with the Social Security money. That is going toward the debt.

Frankly, the other side will not have a chart such as this because they will assume we have to spend $230 billion to increase every function of Government, by inflation, for each of the next 5 years, and that it is automatic. They don't call that ''spending,'' they call it ''automatic.'' Everybody is entitled to that.

We start with a real zero. We start with no growth and say how much we put back. We put back $230 billion. If my arithmetic is right, that is about $46 billion a year of new money appropriated.

In addition to what we are already spending to start with, we are already spending this amount. There is $46 billion more a year for each year. That comes out of this surplus.

We have tax relief of $150 billion, which is only $13 billion in the first year, and then we have an extra $20 billion going on the debt.

I think that is a pretty fair approach. In fact, Democrats keep saying they are doing what the American people want. I think if the American people understand ours—and they will—they will say that is plenty of new spending; some of this overpayment we ought to get back. That is what we provide.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from West Virginia.

Mr. BYRD. Mr. President, it has been said that the more things change, the more they stay the same. We are warned by the American philosopher George Santayana (1863–1952) that, ''those who cannot remember the past are condemned to repeat it.'' Those words of warning, I think, are appropriate to have in mind as the Senate debates the Fiscal Year 2001 Budget Resolution.

It was less than two decades ago that the Nation inaugurated a new President, who campaigned on a pledge to cut taxes, cut federal spending except for defense, and pay down the Federal debt. The so-called ''Reagan Revolution'' was based on the supply-side economic ideology that massive tax cuts would generate large increases in revenues to the Federal Treasury, sufficient to allow a large build-up in military spending; while, at the same time, balancing the Federal budget. That was the blueprint—the budgetary plan of the Reagan-Bush Administration. To be sure, there were those who doubted that this supply-side program would achieve the results that were projected in the Reagan-Bush budget. Indeed, during his campaign against Reagan for the GOP nomination, Mr. Bush called Reagan's supply-side economic plan ''voodoo economics.'' Senate Majority Leader Howard Baker called the Reagan-Bush budget blueprint a ''riverboat gamble.''

Despite those ominous warnings in 1981, Congress did enact a massive tax cut, and Congress increased the military budget. But, entitlement spending continued to grow, while projected increases in revenues did not materialize. As a result, the Reagan-Bush Director of the Office of Management and Budget, David Stockman, resorted to what amounted to ''cooking the books'' in the annual Reagan-Bush budgets. Mr. Stockman, I believe, was the person who came up with the strategy, later termed ''Rosy Scenario'' to describe the fanciful budget forecasts during his service as OMB Director.

As a result of those budgetary policies, rather than being able to pay down the federal debt, or even to reduce deficit spending, the twelve Reagan-Bush years brought the Nation the largest annual deficits in its history and, consequently, the Federal debt grew to levels that endangered the Nation's economic prosperity.

In fact, as this chart entitled ''National Debt'' shows, on the day that Mr. Reagan was sworn into office on January 20, 1981, the national debt stood at $932 billion. As Mr. Reagan alluded in his State of the Union Address that year, it would take a 63-mile high stack of one dollar bills to equal $932 billion.

That $932 billion represented the debt that had been accumulated through all of the previous administrations from George Washington's administration, the first administration, on down through those years.

What was the fiscal health of the Nation when this supply-side fiscal conservative, President Reagan left office? As shown on the chart, on January 20, 1989, the day that Mr. Reagan left office and Mr. Bush was sworn in to succeed him, the Nation's debt was some two trillion, six hundred and eighty three billion dollars. It took the Nation over 200 years to get to $1 trillion in national debt. It took the Reagan-Bush Administration just 8 years to nearly triple the national debt—from $932 billion on the day Mr. Reagan took office to $2.683 trillion on the day he left office.

Let me say that again. From $932 billion on the day that Mr. Reagan took office to $2.683 trillion on the day he left office.

In other words, the stack of $1 bills, which was supposed to be 63 miles high, as Mr. Reagan spoke to a nationally televised audience, an accumulation through all of the administrations prior to the Reagan administration—that stack of $1 bills he portrayed very vividly, I recall, as being 63 miles high—on the day he left office, that stack of $1 bills would be 182 miles into the stratosphere.

Then, we had the Bush-Quayle Administration for the next four years. Did that Administration make progress in reducing deficit spending and begin to pay down the national debt? Unfortunately, such was not the case. The national debt just kept right on going. It was as if someone were feeding it growth hormones! The debt reached over $4 trillion by the time Mr. Bush was voted out of office and President Clinton was sworn in on January 20, 1993.

That stack of $1 bills then as represented by the national debt would have been 277 miles high. In other words, it had grown from 63 miles high at the beginning of the Reagan administration to 277 miles high at the end of the Reagan-Bush administration.

Supporters of the Reagan and Bush Administrations, over the years, have attempted to lay the blame for this massive increase in debt at the doorstep of Congress, claiming that Congress holds the purse strings. I have two responses. First, during the first 6 of the 8 years of the Reagan Presidency, the Republicans were in the Majority in the United States Senate. Second, during the entire 12 years of the Reagan and Bush Administrations, only a handful of times did President Reagan veto an appropriations bill for containing too much funding; and President Bush did not do so even once. Furthermore, the total of all the appropriations bills during the 12 years of the Reagan/Bush and Bush/Quayle Presidencies amounted to more than $60 billion in cuts below the budget requests of both Presidents.

Since the Presidencies of Reagan and Bush, the fiscal condition of the Nation has greatly improved, for a myriad of reasons. Among those are the monetary policies of the Federal Reserve, and the great increases in productivity of the American workforce and in our industries. Some of the credit, I believe, can also rightly be attributed to the Federal budgetary policies of the past several years. The deficit reduction packages of 1990, 1993, and 1997 set out very stringent targets on Federal spending, which helped reduce deficits to the point that in 1998, we enjoyed the first unified budget surplus in 30 years—a surplus of $69 billion.

Both of the latest OMB and Congressional Budget Office forecasts project huge federal budget surpluses far into the future. The CBO now projects unified budget surpluses ranging from $3.2 trillion to more than $4.2 trillion, over the next 10 years, depending on spending levels under various scenarios.

Of those 10-year surpluses, some $2.3 trillion will be generated by contributions into the Social Security Trust Fund, in excess of the payments to retirees over the period of Fiscal Years 2001–2010. There is virtually unanimous agreement that any and all Social Security surpluses over the next 10 years should go toward reducing the national debt, rather than being spent. This means that, if CBO's projections turn out to be correct, the national debt would go down by more than $2 trillion over the next 10 fiscal years.

The question, then, is what to do with any remaining, or non-Social Security surpluses over the next 10 years. Should we cut spending further; should we maintain spending at current levels; or should we increase spending? Should we use some of the non-Social Security surpluses to pay down the debt, and perhaps even eliminate the publicly held debt by 2031? Or, should we enact

huge tax cuts that eat up all of the projected non-Social Security surpluses?

Unfortunately, Mr. President, the Budget Resolution now before the Senate, as was the case last year, chooses the worst possible fiscal course for the Nation. This Budget Resolution proposes a huge tax cut, which would drain the Treasury of more than $150 billion over the next 5 years, and could easily cost in excess of $800 billion over the next 10 years. Combining that size tax cut with the resulting increase in interest payments on the debt that it would cost, could drain the Treasury of as much as $950 billion over 10 years. That figure is larger than the total $893 billion in non-Social Security surpluses that CBO has projected for the next 10 years.

What that means is that, in order to pay for the tax cut in this fiscal blueprint, we will either have to go back to deficit spending, or raid the Social Security Trust Fund. That is assuming the CBO projected surpluses actually occur. Is that likely? What has been the record of CBO projections in the past? Have their projections been fairly close to what actually occurred? The answer is ''no.'' Not so close as to enact tax cuts that would use up all of the CBO projected surpluses, and then some. In fact, over the period of 1980 through 1998, the CBO projections of revenues contained in budget resolutions were off by an absolute average of $38 billion per year! Over 5 years, that is $190 billion, Similarly, the CBO's deficit projections erred by an absolute average of $54 billion per year over the period of 1980–1998.

Like last year, the tax cuts proposed in this budget resolution are unwise in the extreme. The American people won't buy this plan. They are not clamoring for tax cuts. The American people have learned that locking in huge tax cuts before the money to pay for them has materialized is just plain, old, common, country gambling. They want to make sure that the money is there before we mandate huge tax cuts. The people don't wont to go back into debt, with the interest charged to them.

Now, let's turn to discretionary spending. That's the portion of the Federal budget that is funded in the annual appropriations bills. Discretionary appropriations amount to about one-third of the Federal budget and include spending for Defense, as well as a wide array of domestic investments, including education, health, veterans' medical care, highway and airport construction, parks and recreation, the FBI and other law enforcement agencies, water projects, environmental programs, Head Start, and the operational costs of all of the departments and agencies of the Executive Branch, as well as those of the Legislative Branch and the Judiciary. These are the programs that support the physical and human infrastructure of this Nation.

What is being proposed for the discretionary portion of the budget in this Budget Resolution? As this chart shows, this budget plan would increase spending for the military by $24 billion above what is required to maintain current levels, over the next five years. For all other discretionary spending, this budget plan would cut $105 billion, or 6.5%, over the next 5 years below what is needed to maintain current services, adjusted for inflation.

To get right to the point, let's look at what is being proposed in this Budget Resolution for Fiscal Year 2001. That is the fiscal year which will begin on October 1 of this year. This budget proposes budget authority totaling $597 billion for discretionary programs for the upcoming fiscal year. That is a cut of $10 billion below what will be needed to maintain this year's discretionary spending levels, adjusted for inflation.

It would take $607 billion just to keep up with inflation and avoid real cuts in discretionary spending for Fiscal Year 2001; only $597 billion is allowed in this budget resolution. Of that amount, what is allowed for Defense? The CBO tells us it would take $298 billion in budget authority to maintain this year's level of Defense spending. But, the Budget Resolution before the Senate would provide $307 billion—a real increase of $9 billion above what it would take to maintain this year's level of Defense spending, adjusted for inflation.

For all other discretionary programs, CBO says it would take $309 billion in budget authority to maintain this year's spending levels. This resolution provides only $290 billion, a cut of $19 billion in budget authority. Yet, at the same time, the budget resolution promises to increase funding for education, veterans' health care, and other popular initiatives. This means that all of the other unprotected programs will have to be cut even more in order to accommodate the protected ones.

What does that mean in real terms? For an example, let's take a look at national crime-fighting programs. According to the Office of Management and Budget, the Senate Budget Resolution does not appear to provide any funds for the hiring of additional police officers, or for community crime-prevention programs. For the Coast Guard, this budget resolution would severely impact their ability to carry out their missions in the areas of drug interdiction, national security, and fisheries enforcement.

Despite claims to the contrary, funding for education would be cut by more than $5 billion below the President's request in Fiscal Year 2001. This would require cuts of some 62,000 children from Head Start; and it would make it impossible to hire some 20,000 additional teachers for public schools or provide urgent repairs for some 5,000 schools across the Nation.

For Science, a reduction of this magnitude would result in more than 19,000 fewer researchers; educators and student receiving support from the National Science Foundation. It would appear that a lot of this rhetoric about protecting education is just that—rhetoric.

Is it realistic to suggest that the Nation's important domestic investment needs will be cut by almost $20 billion this year? Is that what we want to propose to the American people? I do not support any such proposition. To follow this budget plan will mean endorsing large permanent tax cuts, based on budget surplus projections which may or may not come to pass. If the tax cuts are enacted, they will be real. They will be in law. But, the money to pay for them may be only a figment of the forecasters' imaginations. The result may make it a virtual certainty that this flawed budget plan would lead the Nation, once again, down the road of annual triple-digit billion dollar deficits. We slew that gremlin after the twelve Reagan-Bush years. Let us heed the warning of Santayana and not condemn ourselves and the American people to repeat those failed policies. Let the evil, bloated deficit monster sleep.

If we follow the plan before us today, we will probably see another in a series of session-ending omnibus appropriations negotiations with the White House. Such a process demeans the Congress, elevates the Executive, and allows the President's aides to sit at the table and become instant appropriators while Congress completes its appropriators' work. That process always reminds me of a high stakes poker game—''I'll see your veterans' programs and raise you five billion more for defense.'' Unfortunately, it is often the American taxpayer who ends up the loser. I implore my colleagues to reject this Budget Resolution. Let's get off this treadmill to nowhere. We should not give tax cuts with money we don't yet have, and may never have. To do so is like writing checks before the money is firmly in the bank.

In recent testimony before the Senate Special Committee on Aging, Federal Reserve Chairman Alan Greenspan repeated his longstanding view that, ''The most effective means of raising the level of future resources, in my judgment, is to allow the budget surpluses projected in the coming years to be used to pay down the Nation's debt.'' I agree with Mr. Greenspan in that statement. We should adequately invest in our Nation's infrastructure needs and use the balance of future surpluses to pay down the Federal debt, thereby enhancing the ability of the Nation to be in the position to meet the future needs of both Social Security and Medicare. The American people, I believe, recognize the wisdom of such an approach. They instinctively realize that massive tax cuts at this time, based on flimsy projections and on promises to cut spending far below levels that could sustain the economy into the 21st century, are precisely the opposite of sound fiscal policy. The American people will not buy these Disney World policies anymore. They expect a fair deal in budgeting, and

this Senate should, as well. To fail to do so would amount to deja-voo-doo all over again!

I yield the floor. I thank the distinguished Senator from Minnesota for yielding to me.

Mr. GRAMS. Mr. President, I wish to take a few minutes this afternoon to talk, not of the budget in general but about a particular part of the budget. I wish to speak in support of the amendment of Senator KAY BAILEY HUTCHISON of Texas. I commend her efforts and leadership on a very important issue; that is, the marriage penalty tax that is part of this overall budget. I know we are still working on an agreement dealing with this amendment but, because of other commitments, I wanted to take time to come to the floor and speak on this issue, the marriage penalty tax, a little bit out of order. I want to at least voice my strong support for the issue. I support, strongly, the elimination of the marriage penalty entirely and I believe that Congress should pass this legislation and we should do it as quickly and as early as possible.

There is compelling reason to repeal the marriage penalty tax: The family has been and will continue to be the bedrock of our society. Strong families makes strong communities; strong communities make for a strong America. We all agree that this marriage penalty tax treats married couples unfairly. Even President Clinton agrees that the marriage penalty is unfair, although he said—well, we just can't help it; we need the money here in Washington.

If we do not get rid of this bad tax policy that discourages marriage, millions of married couples will be forced to pay more taxes simply for choosing to commit to a family through marriage.

In fact, the Tax Code contains 66 provisions that can affect a married couple's tax liability.

Let me give a real example of how average Americans have been hit by the marriage penalty. Newly wedded Alicia Jones from my state of Minnesota and her husband graduated from college and had just begun working full-time 2 years ago. In 1998, Alicia and her husband both worked full time in professional careers. They had no children and were renting an apartment, saving to buy a house. They had to pay at least an additional $1,400 for simply being married. As a result, on top of the over $10,000 tax they already paid, they had to take an additional $700 from their limited savings account to pay for Federal taxes—taxes that they wouldn't have had to pay if they weren't married.—The marriage penalty.

She wrote to me:

> I am frustrated by this, I'm frustrated for the future—how do we get ahead, when each year we have to take money from our savings to pay more for our taxes. I hope that you will remember my concern.

Alicia's story is not uncommon. There were 21 million American families in the same situation.

A 1997 study by the Congressional Budget Office entitled For Better or Worse: Marriage and the Federal Income Tax, estimated 21 million couples or 42 percent of couples incurred marriage penalties in 1996. This means 42 million individuals paid $1,400 more in tax than if they are divorced, or were living together. It has grown to even more in the year 2000.

But marriage penalties can run much higher than that. Under the current tax laws, a married couple could face a Federal tax bill that is more than $20,000 higher than the amount they would pay if they were not married.

This is extremely unfair. This was not the intention of Congress when it created the marriage penalty tax in the 1960s by separating tax schedules for married and unmarried people.

The marriage penalty is most unfair to married couples who are both working, it is discriminative against low-income families and is biased against working women.

The trend shows that more couples under age 55 are working and the earnings between husbands and wives are more evenly divided since 1969. As a result, more and more couples have received, and will continue to receive, marriage penalties and fewer couples benefit under the Tax Code.

The marriage penalty creates a second-earner bias against married women under the Federal tax system. The bias occurs because the income of the secondary earner is stacked on top of the primary earner's income. As a result, the secondary earner's income may be taxed at a relatively higher marginal tax rate. In many cases it even forces the whole family budget into a higher tax bracket so the whole family faces this marriage penalty. Married women are often the victims of the second-earner bias.

As more and more women go to work today, their added incomes drive their households into higher tax brackets. In fact, women who return to the work force after raising their kids face a 50 percent tax rate—not much of an incentive to work.

The marriage penalty tax has discouraged women from marriage. It even has led some married couples to get friendly divorces. They continue to live together, but save on their taxes.

Repealing the marriage penalty will allow American families to keep an average of $1,400 more each year of their own money to pay for health insurance, groceries, child care, or other family necessities.

This is what we hear all the time, whenever we want to cut a tax or reduce the tax burden on average Americans—it is a windfall for the rich. No one else is going to benefit. This is completely false. The fact is, the elimination of the injustice of the marriage penalty will primarily benefit minority, low- and middle-class families. Studies suggest the marriage penalty hits African-Americans and lower-income working families hardest.

Couples at the bottom end of the income scale who incur penalties paid an average of nearly $800 in additional taxes which represented 8 percent of their income. Eight percent, Mr. President. Repeal the penalty, and those low-income families will immediately have an 8 percent increase in their income. They would be able to keep it to spend on what their families need, rather than shipping it off to Washington.

It is unfair to continue marriage penalty tax. It is time now to end it. I strongly support Senator HUTCHISON of Texas and her efforts to repeal the marriage penalty too. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself as much time as I need.

I was here for most of Senator BYRD's remarks. I do not choose to discuss the history of 10, 12, or 14 years ago. That does not mean there is not a different version to his well charted speech. There is another version.

All I want to talk about is right now and what we plan and how we see things a little differently in terms of what we are going to do with the surplus that does not belong to Social Security.

Remember that we already have established a new dynamic, and it is probably a very salutary one and maybe, as the Federal Reserve Chairman has said, the most significant fiscal policy change if we follow through for a decade or so. That is, if all of the Social Security surplus goes to debt service, that means we do not spend it and the debt owed to the public that we have out there in Treasury bills that banks have bought, that countries have bought, that we really have to pay interest on every year, all this money from Social Security reduces that.

I believe when the President suggested we only save 62 percent of the Social Security surplus, that was the first time we ever invented and used the budget for longer than 5 years. He wanted to do 10 years then. Almost everyone thought: How in the world will we do 15 years, and why? I can tell my colleagues why.

One starts with a proposition that if we only put 62 percent of the Social Security money into a fund that belongs to Social Security, we have to tell the American people that sooner or later we are going to pay all the Social Security money back. It took 15 years to do that. It just happened almost miraculously. So the President drew up a 15-year budget. After the fifth year, it was pretty irrelevant. In the 7th, 10th, 14th, and 15th years, it got to be speculative. Nevertheless, it kept showing a very big and increasing surplus.

I got the idea, as all of us heard the 62-percent speech, why not 100 percent? I am very proud that as to the new dynamic to which I was just alluding, that the Chairman of the Federal Reserve says is positive thinking and a positive approach to the future, I said

why not 100 percent of the Social Security fund? Then we thought up the idea of a Social Security lockbox. Whether one likes the lockbox or not, it is pretty descriptive. We make it darn hard to get the money out of the lockbox. We put it in there every year.

This budget does that again. For the next 5 years, it says every penny of Social Security surplus goes to the debt; it cannot be used for anything of a general government nature. That turns out to be a very large number. I will give you the number in just a moment.

Believe it or not, for the next 5 years, in addition to that big number, the surplus that goes to Social Security, there is another big number, and it is a surplus that does not belong in Social Security. I share with the Senate and with my friend, Senator BYRD, how big the on-budget surplus is, that which does not belong to Social Security. It is $400 billion over the next 5 years—$400 billion.

The point is, we are deciding what ought to happen to that $400 billion. The Democrats would say there really isn't $400 billion—I am not saying where Senator BYRD would be, but I think his speech indicates this is a fair statement. They would say there isn't $400 billion because, each of the years, all of the accounts of Government must grow by inflation. They say anything above that—that is, $171 billion—is all that would be left over out of the $400 billion if you give every account in Government an inflation increase every year.

We said that is not quite what we think the American people want to measure us by. So we said: Let's start at zero. Let's not have any additions, and then let's go to the $400 billion and put it back in the budget and put it back in other places. What we did, I say to my good friend, Senator BYRD, is we put $230 billion of that $400 billion back into the domestic and defense accounts.

That may not be enough for some, and who knows, the prediction that before we are finished it will not be enough, I do not know about that. But to get the votes to bring a budget to the floor, there is essentially $230 billion in new money on top of inflation divided by 5, which is $46 billion a year—if one does it on an average—$46 billion that we can add to the freeze and see where it turns out.

We think it turns out with almost a 6-percent growth in defense spending this first year and almost 4-percent real growth in the appropriated accounts—I should say growth in each instance. We do that, and there is some money left over.

Frankly, we believe that money ought to be looked at very carefully because it is the American people who are overpaying their taxes. That is why we have a surplus. We decided that over the whole 5 years we would provide a tax reduction of $150 billion, spread out over 5 years. In the first year, it is $13 billion.

Do my colleagues know how much the debt reduction is in the first year? It is $174 billion. What is the ratio? It is $13 billion in debt reduction for $1 of tax relief.

Would the American people say: That's unfair? We ought to spend more of that money? We said: Over the full 5 years, the debt of the American people will be reduced by $1.1 trillion—a huge reduction. We put that alongside of $150 billion in tax relief; and the ratio, over the 5 years, is $8 in debt reduction for $1 in tax relief—a pretty fair ratio.

The whole difference is, when you have $400 billion in surplus, what should you do with it? Some would say: Inflate every account of Government by the rate of inflation for each of the next 5 years, and don't even worry about that. They say: You make that automatic.

We do not make it automatic. We add back each year. As I indicated, if you did it, on average, you could almost add $50 billion a year to a base of about $500 billion. That is the combined defense and nondefense. That is pretty good.

Will it be tough? Of course, it will be tough because in the last 5 years, the tendency was to significantly reduce expenditures in the first 3 years of that 5 years, and then in the last 2 years to start spending it, maybe a 7-percent or 8-percent or 6.5-percent-per-year increase.

I close by saying there is a stark difference between the President of the United States and the Republicans. Believe it or not, the President of the United States would increase domestic discretionary spending in the first year—the year for which we are doing the budget, next year—by 14 percent.

The 14 percent includes inflation, plus a whole bunch more. In fact, that is the biggest increase since one of the years of President Jimmy Carter when there was super inflation.

We say that is too much. In fact, they say there is something bad about $150 billion in tax cuts. But I say, if there is anything that is risky, it is to spend the surplus. A 14-percent-a-year increase, if kept for 3 years, will spend the entire non-Social Security surplus, and we will start using up some of the Social Security surplus. Just think of that.

Why does the President offer $14 billion in 1 year? In fact, I do not even think his loyal minority on the Democrat side has anything like a 14-percent increase in mind. He does because it is an election year, and you get to do it one time on your way out the door; the next administration has to live with what you have left.

But we decided not to do that. We decided we would do it the way we just described: $230 billion in spending over a freeze for the next 5 years, $150 billion in tax relief, and an extra $20 billion in debt reduction besides the Social Security money.

Frankly, why would the President offer such a huge increase in the last year of his Presidency? I would think one of two things is possible: It is a political budget. He would like to make hay out of bean for almost everything or, secondly, he really thinks that is what we ought to spend.

I do not know that there is any other reason in between. If he thinks it is what we ought to spend, then he ought to stop saying we will not spend Social Security money because you cannot increase the budget 14 percent a year and not use Social Security money.

What I know is, we have sound fiscal policy today for which a lot of people can take credit. There are a lot of things which happened that caused it to be this way. But it surely is not solely and significantly because the President offered a proposal that all of his party voted for, and we did not, to raise taxes $195 billion. That happened. Clearly, that cannot be the singular item that caused this 7 years of growth.

In fact, we are very proud that once the Congress became Republican we started really reducing the amount of Federal expenditures per year, year after year. We made a bipartisan deal in 1997 of which we are very proud. It reduced all parts of Government significantly, including some entitlements that we are going back and looking at, such as Medicaid, Medicare, and home health care.

So that, plus the Federal Reserve Board acting prudently—I do not know whether the last increases in the interest rate are as prudent as the previous ones by the Federal Reserve Board Chairman, but he and his Board deserve ample credit for this fantastic growth. But ultimately the growth is because we turned loose American innovation. They changed things. They brought equipment and technology into the marketplace that saves human effort by the thousands of hours per week per business. Thus, more profit is made and more pay can be made. The gross domestic product can grow without inflation. That is where we are today.

We think our budget will keep us there. We think it is too risky to spend more money, especially when we have provided more than adequately, with some discretion to pick and choose between accounts of Government.

The approach of allowing inflation to be added to every account, and that unless you start with that you are cutting something, is an acknowledgement that every one of the 2,800 programs of America—some 30 years old, some 40 years old, some in the Education Department that the Presiding Officer has seen as duplicative, where there are 20 or 30 of the same kind—deserve an increase equally and none deserve to be restrained.

We say many of them should be abolished. If that is what it takes the appropriators to do to live within these numbers, that would be pretty good for America.

Those are my observations. I do not know that we are going to be able to

reach an agreement on amendments. But I am going to now ask the distinguished minority leader what he would like to do next, and we will proceed.

Mr. REID. I say to the manager of the bill for the majority, our manager wishes to speak on the bill some more.

Mr. DOMENICI. Sure.

Mr. REID. Perhaps during that time we can work something out as to the order of amendments. We have already worked on that. We will see what we can do.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to take a moment for those who may be wanting to take a look at the Budget Committee Democrats' new web site—I do not know how rapidly people can write down the address, but here it is in full colored splendor: http://budget.senate.gov/democratic.

That is the address. We know people will immediately run, in large numbers, to see what is being said there.

At the site they will see a summary of the budget resolution, the Democratic alternative, background on the budget process, links to other budget-related information, presented on a colorful chart. We even provide a budget quiz for those who want to test their perception of what we are doing. We will also be maintaining a mailing list for those people who want to stay up to date about budget matters.

Please take a look, if you will, at the address. Once again, we will provide it in case people want to jot it down. I need not read it. I think it is visible. They ought to be able to contact Democratic Budget Committee members. I thank Rock Cheung of our staff for doing such a great job in putting that web page together.

I now wish to talk about something that has troubled me, something that, frankly, I do not understand. But to put it simply, there was a change from the budget resolution—if I might have the attention of the distinguished Senator.

I want to point out the fact that there was a change from the budget resolution as passed by the committee by a majority vote—a change in numbers, which is hardly allowable, and certainly not acceptable—after the committee deliberation, after the committee passed the bill, after the committee presented it to the Senate body, as we see it now. To make a change in the numbers—whether it is small or large doesn't matter, but the process is not allowed, as I understand it, by virtue of rule XXVI. I want to point out that this resolution is not the same, and it was not only a technical change but, rather, it is dramatically different. It was changed after our markup, after we all sat around and voted; some voted for it and some voted against it. It is a change to the tune of $60 billion in lower spending in each of the fiscal years 2001 and 2002.

There was a reason this was done, Mr. President. While it is understandable, it is not acceptable to change it after the markup, after the contract is signed, essentially. If a contract is signed and somebody decides let's change the terms of the contract, that would be unacceptable in a business structure. As a matter of fact, it would engender a lawsuit in very easy fashion if it were done in the business world. This was done to avoid a point of order against the resolution.

Whenever we talk in this arcane language around here, I believe we need to spell it out. What we are saying to those who don't work here on a regular basis is that instead of 51 votes, you need 60 votes if you want to make a change. Well, in other words, if there is a call for a waiver of the budget, it falls to one side or the other to get 51 votes, which can easily be accomplished by the majority because they have 55 Members. But it doesn't include any of the Democrats. While none of the Democrats voted to move this bill, nevertheless we don't give up our proprietorship on what goes out of there. No Senator does. No Senator gives up their rights without respect for the rule.

This is not appropriate. It is a terrible precedent for the Senate as a whole. When a bill passes out of a committee, it must carry the same message when it arrives on the Senate floor. It ought not be changed on that short trip from the Dirksen Building to this building. It is called a technical modification. We saw initially that $4.4 billion worth of additions were going to be made. When we finally got it here, it was almost a $60 billion cut from programs. It went into a catchall category that can then be distributed. It was $60 billion. So we are looking at something bordering on a 10-percent shift without the public, frankly, being aware of it.

Under the Budget Act, there is a point of order against any budget resolution that exceeds the discretionary spending caps. It is very clear this budget resolution is intended to break those caps. In fact, it says so in section 209, on page 41 of the budget resolution. I will read directly from that subsection:

> The functional totals with respect to discretionary spending set forth in this concurrent resolution, if implemented, would result in legislation which exceeds the limit on discretionary spending for the fiscal year set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

That is a quote from the budget resolution itself. In effect, it says that we are breaking the caps and the spending limits as modified in 1997. In fact, when the Budget Committee approved this resolution, it did break the caps, just as it claimed it did. It told the truth. But a funny thing happened on the way to this forum—the difference between the close of the markup and arrival on the floor of the Senate. As if by magic, the spending totals were changed dramatically so that they no longer break the caps. The changes were made to what we call function 920 and left completely unspecified, just thrown in there. This is a catchall. But when it has to be distributed—and it does—then it will hit all of the categories for which we appropriate. I am talking about a significant change.

When the committee approved the resolution, the total for function 920, as indicated on the chart, was $4.4 billion in budget authority. In fact, if you look at the committee report—on page 38 and again on page 50—that is what it says: $4.4 billion in budget authority.

Budget authority means that which we are allowed by law to spend. That is what the committee approved. Now, when we look at the resolution before us, which is claimed to be the same, the one approved by the Budget Committee, on page 27, line 7, it says that the total for function 920 is negative $59.931 billion. So in the fiscal year 2001—the one we are preparing the budget for—the resolution includes $59.9 billion in unspecified cuts. But the Budget Committee, I remind you again, only approved $4.4 billion in such cuts for the fiscal year beginning October 1.

If you look at fiscal year 2002, the same type of thing happened. The committee approved a plan this time that had no budget authority for function 920. That means they weren't allowing any expenditure, positive or negative—well, you can't have negative expenditures, but reductions in the account—in fiscal 2002. Now we have a resolution before us that has $59.729 billion in negative budget authority—unspecified cuts that appeared, seemingly, out of thin air.

I have to ask, What is happening here? Well, obviously, the majority is making huge cuts in order to claim they are abiding by the discretionary spending caps, so that they can avoid a point of order and then the need to get 60 votes. They can't get 60 and they know that.

I don't criticize them for exceeding the caps. But they are wrong to hide this back-room change to pretend they are not breaking the caps. That is not being honest with the Senate or the American people.

The fact is, under the Budget Act—which I negotiated with Senator DOMENICI in 1997—it is supposed to take 60 votes to break the caps. That is the law. Yes, it gives the minority, or at least a few of the Members of the minority, a little bit of leverage. It means the Republicans are supposed to seek some Democratic votes to approve their budget resolution.

But instead of playing by the rules, the majority today is flouting them. They are trying to have it both ways—breaking the caps, but then pretending in the resolution that they are not doing that, all to avoid giving the minority a say in this resolution. I think it is wrong that we are here today considering a resolution that isn't the one approved by the Budget Committee; it is a different resolution.

At the end of a budget markup, the staff is given the right to make technical changes. That is not unusual, and I don't object to that. But by cutting spending by $60 billion a year, they are eliminating the prospect that this could be a technical change. I know some people around here are used to sloughing off a few million dollars here and there. But $60 billion in a year? Even here that is a large sum of money. That doesn't just sidestep the rules; in my opinion, it goes over the line. I am going to ask the Parliamentarian now whether or not there are prohibitions to changing a Committee-passed resolution or bill without consulting the committee before it is presented to the floor for consideration.

The PRESIDING OFFICER. Rule XXVI requires a quorum to report out a measure, and it is not in order to change a measure once reported.

Mr. LAUTENBERG. Thank you, Mr. President. I thank the Parliamentarian.

All this then, as I see it, is designed to deny the minority the right to participate meaningfully in this debate and hide the facts from the American people.

Anytime the Senator from New Mexico has a question, I am happy to answer; or shall I finish what I am doing?

Mr. DOMENICI. I am sure. The Senator may finish his speech. I am going to make my point as to why it is in order, if the Senator from New Jersey is talking about this.

Mr. LAUTENBERG. Shall I finish?

Mr. DOMENICI. Sure.

Mr. LAUTENBERG. Mr. President, I am going to have more to say later about the breakdown of the budget process and what I consider the abuse of the minority rights.

I personally believe the exclusion of the minority through the budget resolution and reconciliation process is one reason the whole budget process is in such a difficult mess, and it largely explains why we have these terrible train wrecks and huge omnibus bills at the end of each fiscal year.

Be that as it may, I would be happy, before I leave this place, to have a series of discussions with my colleagues on both sides of the aisle about what maybe we can do to get the fiscal year kicked off in a proper fashion with the budget, and as we should do with the Budget Committee.

But that is not for the moment because that doesn't have anything to do with the $60 billion per year ''technical change'' being simply wrong. I think it is an abuse of the committee process. It is not fair to the minority. Frankly, it does raise a bit of a sad commentary on the whole budget process.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am just without words about such an argument that we did something really wrong. We did nothing wrong. The staff of the minority had an invention in their mind. They kept it quiet.

Have you ever hunted quail? You know that they spread after you shoot. They hunker down and hide and don't want anybody to hear them.

They had in mind knocking this whole budget resolution out because of this issue right here. If we had not made the technical change that is in this resolution, indeed, they would have made the whole thing die and we wouldn't have a budget resolution.

Let me tell you, their budget resolution would fail on the same grounds. The President's would fail on the same grounds. And the truth of the matter is that I sought and received, with a quorum present before the final vote, unanimous consent to make technical amendments. I asked for that. I received consent. And the technical changes are very clear. The language of the chairman's mark made it clear that the caps would be met. That is $540 billion, and an adjustment would be made of nearly $60 billion. We don't cut anything. We say the first appropriations bill will lift the caps, and a $60 billion fund that is in title 14 will become operative.

That is not untoward. It is not making shambles of the budget process. If people want to know what makes a shambles with it, I can stay here for a month and talk about it. But this isn't one.

As a matter of fact, this Senator has been a very loyal supporter of getting things done right. I am absolutely amazed that he would read such language from a piece of paper—that this particular technical change has wreaked havoc.

I would like to meet with both sides to talk about how to fix the budget resolution. Let me tell you, we will meet with both sides. He can be present, and I will be present. We will have a list of 50 items before we ever get around to technical changes that are harming the budget process.

It is absolutely clear to everyone what we are doing. If we were trying to deceive anyone and were really in some way cutting $60 billion out of this budget, and in some clandestine way we were going to do it, then I would be here saying I did something that is untoward. I didn't do that. That is not the case.

There is no objection to this budget resolution based upon what I did and the unanimous consent that was granted. There is no question about it, in my opinion. I wouldn't have done it if there were any question.

Soon I would like to suggest we get on to a couple of amendments. But I don't have them ready yet. So I will sit down and let the minority speak.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEED FOR TAX SIMPLIFICATION

Mr. HATCH. Mr. President, in less than two weeks, American taxpayers face another federal income tax deadline. Although this year's deadline falls on a Saturday, and is thus deferred for two days, the date of April 15 stabs fear, anxiety, and unease into the hearts of millions of Americans. Some discomfort with filing tax returns and, especially, with paying taxes, is understandable and probably unavoidable. Paying taxes will never be fun. But neither should it be cruel and unusual punishment.

But because of the complexity of our federal income tax system, for millions of American taxpayers, completing the forms can be sheer torture. According to the Tax Foundation, American taxpayers, including businesses, spend more than 5.4 billion hours and $250 billion each year in complying with tax laws. That works out to more than $2,400 per U.S. household. This is astounding, Mr. President.

Last year, over 126 million individual income tax returns were filed. The good news is that about 25 million of these were filed on Forms 1040EZ or 1040A, which are significantly easier to complete than Form 1040. Nearly six million more taxpayers last year filed over the telephone, simply by pushing buttons. I am pleased to note that the Internal Revenue Service is making strides in improving telefiling and also electronic filing. The bad news is, however, that the majority of taxpayers still face filing tax forms that are far too complicated and take far too long to complete.

According to the estimated preparation time listed on the forms by the IRS, the 1999 Form 1040 is estimated to take 12 hours and 51 minutes to complete. This is an increase of 77 minutes from 1998.

Moreover, Mr. President, this does not include the estimated time to complete the accompanying schedules, such as Schedule A, for itemized deductions, which carries an estimated preparation time of 5 hours, 39 minutes, or Schedule C, for taxpayers with a business, which has an estimated time of 10 hours, 19 minutes. Schedule D, for reporting capital gains and losses, shows an estimated preparation time of 5 hours 34 minutes.

Even though millions of taxpayers are spared having to file the more complex 1040 with its many schedules, I believe the majority of Americans are intimidated by the sheer number of different tax forms and their instructions, many of which they may be unsure whether they need to file. Simply trying to determine that a certain form is not required can itself be an overwhelming task, given the massive set of instructions and the approximately 325 possible forms that individual taxpayers must deal with.

This is the instruction book for 1999 individual tax returns, Mr. President. It includes 116 pages, not counting the forms themselves.

It is no wonder that well over half of all taxpayers, 56 percent according to a recent survey, including a large number of my colleagues in the House and Senate, now hire an outside professional to prepare their tax returns for them. However, the fact that only 29 percent of individuals itemize their deductions shows that a significant percentage of our taxpaying population believes that the tax system is too complex for them to deal with, even though they may qualify to file one of the simpler forms.

Moreover, Mr. President, this complexity is getting worse each year. As I mentioned, just from 1998 to 1999 the estimated time to prepare Form 1040 jumped 77 minutes. Going back a few years, to tax year 1988, we see that the estimated preparation time was only 9 hours and 17 minutes, so we have an increase of 38 percent since 1988. The number of pages in this 1988 instruction book is only 59. So, in a matter of 11 years, we have nearly doubled the hassle factor for our constituents.

I might note, Mr. President, that the income tax system was not always so complicated. I hold here the very first Form 1040, the 1913 edition. This form totaled three pages for the form and just one page for the instructions. But as Congress changed the tax code over the years, the cumulative results have left us with a quagmire of tax rules that would challenge the wisdom of Solomon and the genius of Einstein—not to mention the patience of Job. In fact, the genius of Einstein might not even help here. Albert Einstein himself is quoted as saying ''the hardest thing in the world to understand is the income tax.''

As much as we in Congress would like to blame the Internal Revenue Service for this mess, Mr. President, I am afraid that we instead need to look in the mirror to see who is responsible for the complexity of our tax system. After all, the Internal Revenue Code is our creation. And what a creation it is. According to the Congressional Research Service, the tax code last year included over 2.8 million words. The Holy Bible itself has only about 775,000 words. Obviously, God did not need to issue such copious instructions for living as we currently have for complying with the tax laws.

Moreover, the pace of change to the Internal Revenue Code is quickening. According to Charles Rossotti, Commissioner of Internal Revenue, Congress made about 9,500 tax code changes in the past twelve years. And we are far from being finished. Currently, there are at least 11 pending bills that have been reported by the House Ways and Means and Senate Finance Committees that have changes to the Internal Revenue Code. In addition, we are talking about passing still more tax bills this year. What started as a trickle in 1913 has become an avalanche in 2000.

So, what is the solution, Mr. President? Many of my colleagues, myself included, have berated the tax code and the Internal Revenue Service, calling for both to be eliminated and replaced with a system that is much simpler. Such an idea seems to be a popular one, judging by the applause lines I receive when I mention this concept in speeches, and by the mail I have received on the subject.

I do believe that our current tax is seriously flawed and that Congress, led by the President, should enact legislation that would give the American people the tax system they deserve —one that is simpler, fairer, and geared to the needs of our economy in the 21st Century.

This is not an easy proposition, Mr. President. Nor is it one that can be completed in a short period of time. One major problem has been the lack of presidential leadership. As with so many other vital issues facing this great country, the Clinton-Gore Administration has been AWOL on tax reform—aloof without leadership.

It seems that the Administration's solutions to almost every societal and economic problem has boiled down to one of two things—targeted tax cuts or revenue increases. Both have had devastating effects on the complexity and fairness of the tax code. And again, there is plenty of blame to go around for this, right here on Capitol Hill.

But even when we have a president willing to show us the way to a new tax system, the problems of such a monumental undertaking are enormous. Just the task of educating ourselves and the taxpaying pubic on what the effects of fundamental tax reform would be, and how each taxpayer would be affected, is a large one indeed.

Moreover, computing the effect of such a change on the economy and figuring out how to make a fair transition will be truly daunting. This will be the case whether we decide to adopt a flat-tax, a consumption tax, or some hybrid system. Indeed, the inability of members of Congress to unite behind one reform plan, after years of discussion, is but one indication of how difficult this job of fundamental tax reform will be.

This is not to indicate in any way, Mr. President, that I shrink from or do not favor the idea and need for fundamental tax reform. I am fully convinced that we, as a nation, must find a better tax system. I merely wish to point out that getting to that point is a long and difficult journey that, when looked upon with a realistic eye, will not be accomplished in the next two to three years under the best of circumstances. I believe it will take a minimum of five years.

In the meantime, what do we do? Do we simply sit on our hands and lament the terrible tax code and wish for the day we can change things? Not in my book, Mr. President. I believe we should take action, starting this year, to improve our present tax system. For all of the Internal Revenue Code's many flaws, there are numerous incremental steps we can take this year and over the next two years that can dramatically lessen the complexity and increase the fairness of our tax code.

In the next few weeks, I intend to introduce legislation that will represent the ''down payment'' or first installment of what I believe will be a significant multi-year tax simplification package. This first installment will include a number of tax simplification provisions designed to make tax life easier for each category of taxpayers, including business filers. A considerable portion of the bill will be repeal provisions. After all, repeal of a overly complex and outdated tax provision is the ultimate reform.

My tax simplification plan will be in three installments because I believe that, for a number of reasons, trying to simplify the entire code in one year may be too large an undertaking to succeed. Rather, I believe that a three-part plan, each containing significant, but digestible, relief for different classes of taxpayers, is a more practical approach.

Each of these three installments will include a centerpiece repeal provision that would remove from the Internal Revenue Code a major source of complexity that, in my view, is beyond repair and should simply be eliminated. For the first installment, the provision to be repealed is the individual alternative minimum tax (AMT).

The individual AMT is growing out of control and, if left unchecked, will become a source of major complexity to millions of taxpayers, most of whom it was never intended to affect. The alternative minimum tax was originally established in 1969 as a sort of backstop provision to ensure that sophisticated taxpayers who took advantage of some of the tax code's incentive provisions, called tax preferences, paid at least some minimum amount of tax.

The AMT was expanded as part of the 1986 Tax Reform Act, with the changes taking effect in 1987. The Joint Committee on Taxation estimates that only 140,000 individual taxpayers were required to pay the individual AMT that year. By 1999, that estimate had grown to 823,000 taxpayers, largely because the thresholds for determining minimum tax liability were not indexed for inflation. In other words, as incomes grew because of inflation and other factors, more and more people found themselves subject to the AMT. This is a major flaw, Mr. President, which will bring millions of middle-class families into the net of the minimum tax over the next ten years.

As serious as this problem is, a worse one also lurks in the AMT. Because of structural problems with the provision, some of which have been temporarily solved on a year-to-year basis through 2001 only, the minimum tax serves as a limitation to families receiving the major tax relief Congress passed in 1997 in the form of the child credit and the education credits. If not corrected or repealed, this ''AMT time bomb'' will affect 17 million taxpayers by 2010, according to the Treasury Department.

Many of these taxpayers, Mr. President, are not wealthy by any stretch of the imagination. We are talking about middle-class American families here, many struggling just to raise their children. Let me give you an example from this chart entitled: The Effect Of The Alternative Minimum Tax on a Middle-Class Family of Five.

Todd and Mary Anderson live in Murray, Utah, and have three children. Their oldest daughter, Sarah, is a freshman in college. The younger two children, Mark and Marcia, are twins in the fifth grade. Todd and Mary are both school teachers and together earn $80,000 per year. This is not a wealthy family by any measure.

However, Mr. President, this family will be paying at least $878 of alternative minimum tax beginning in 2002. Moreover, because the AMT exemption is not indexed for inflation, the minimum tax for the Andersons will get larger each year as their income rises because of cost of living adjustments.

Perhaps almost as aggravating for this family as the higher taxes is the fact that they will need to file the alternative minimum tax form with their annual tax return. Not only does this entail mastering an 8-page set of instructions, which are estimated to require 6 hours to learn about and complete, but also preparing a 50-line form along with a 10-line worksheet.

This kind of extra complexity is simply unjustified for any taxpayer, but more especially for families like the Andersons, who have nothing out of the ordinary about their financial situation.

Mr. President, the best way to reform provisions like the individual alternative minimum tax is simply to repeal them. This is exactly what my bill would do.

As I mentioned earlier, this first installment of my simplification initiative will have provisions that are designed to simplify the tax lives of every group of taxpayers. Let me outline what the major provisions would be and who they would benefit.

For lower-income taxpayers, probably the most complex feature of the current tax law is the earned income tax credit (EITC). This credit is vital to the livelihoods of millions of working American families. Unfortunately, the computation of the credit is so complicated that many professional tax preparers do not even know how it works. My bill does two things, Mr. President. First, it would significantly simplify the credit, and second, it would enhance it so more low-income families could take advantage of it.

Besides the repeal of the alternative minimum tax, my bill will also aid middle-class taxpayers by vastly simplifying the capital gains tax. Many of my constituents were thrilled in 1997 when Congress lowered the capital gains tax rates from 28 percent to 20 percent. However, many were not as excited when they found out what the new law meant come tax return filing time—a 54-line Schedule D accompanied by two worksheets and seven pages of instructions. This is compared to a 39-line form and just two pages of instructions prior to the change.

I plan to simplify capital gains by changing from the current maximum rate approach to a 50 percent exclusion approach, as was the case before the 1986 Tax Reform Act repealed the capital gains preference. In other words, taxpayers would be allowed to exclude 50 percent of the long-term capital gain from gross income. The remaining 50 percent would be taxed at ordinary income rates. This would do away with the need for a special computation on the tax forms. It would also result in a lower capital gains rate for every tax bracket, with those in the lowest tax brackets getting the largest rate decreases.

My tax plan would greatly simplify taxes for taxpayers in the upper-middle income and upper-income brackets by repealing two phaseout provisions that are both unwarranted and very complex. These provisions, which phase out the benefits of personal exemptions and itemized deductions for taxpayers with incomes above certain thresholds, are nothing more than backdoor tax increases Congress passed in 1990. Repeal of these provisions would make a significant contribution to simplification.

Corporate taxpayers will also find tax simplification provisions in this first installment of my tax plan, Mr. President, including a provision to equalize the interest rate that the IRS pays corporate taxpayers on overpayments with the rate that companies must pay when they owe the government. Future installments of my simplification plan will have even more corporate provisions.

Finally, each of the three installments of my simplification plan will include ten to fifteen smaller, yet important, simplification provisions that, taken together, would make a significant difference in lessening the complexity of the Internal Revenue Code.

American taxpayers are fed up with our tax system and want to see some serious changes made. Like all members of this body, I hear from my constituents each day who complain about taxes. This has been the case since the first year I was privileged to represent the State of Utah here in the Senate. Over the years, the nature of the complaints has changed, however. Years ago, I mostly heard from constituents that taxes were too high or were unfair. While I still hear plenty of complaints of this nature, I have begun hearing more and more from Utahns who are just plain sick and tired of the complexity of our tax code.

We need to take action now to reduce complexity. We should not wait for a new president, nor for a groundswell of popular support for either the flat tax or a national consumption tax. Let's start this year, Mr. President, with a tax simplification plan that begins the long process of making our current system both fairer and simpler. In the meantime, we should also continue the national debate about how to best replace the tax code with a new system. I urge my colleague to join me in this undertaking.

I thank the Chair.

FISCAL YEAR 2001 BUDGET—Resumed

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will respond to my distinguished colleague, the chairman of the Budget Committee, who assailed my comments about whether or not there was something —let me call it surreptitious; perhaps I even suggested that—in the challenge that I raised to the so-called point of order dispute or technical change.

Once again I read, as I did before, from the concurrent resolution on the budget, page 41, line 8:

> (a) FINDINGS.—The Senate finds the following:
>
> (1) The functional totals with respect to discretionary spending set forth in this concurrent resolution, if implemented, would result in legislation which exceeds the limit on discretionary spending for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

That is pretty clear; it says if we exceed the ''limit on discretionary spending,'' which we do, and the Parliamentarian confirms that because we say the ''functional total.'' These words are very significant words. This is not happenstance; it is in here.

This is not simply a technical change. They are changing the amount substantially. My friend, the chairman, says it was approved in committee action. What was approved? The fact is, there was probably an error because these totals do break the discretionary caps and everybody knows that based on the functional totals.

Suddenly we knock off, to use the expression, $60 billion when, in fact, it was purported to be $4.4 billion. What do we have? It is not a technical change. That doesn't fit the definition anymore than a $30 billion change in the highway spending was a technical change. That happened. These are not technical changes. This is the real thing.

I challenge the Republicans again in the committee. I hate being on the other side of the debate with my friend from New Mexico. He knows the subject; however, he can make mistakes as all Members can. There is definitely an attempt, in my view, to remove the 60-vote point of order in order to accomplish their goal because there are only 55 Republicans and they can't get 60 votes. They made a neat change after the committee finished its deliberation, in the functional totals, and thereby abolish the 60-vote point of order.

We are not going to stand by and let it go unnoticed whether it is comfortable or uncomfortable for the majority. They made the decision. We

have nothing to do with how this budget resolution is finally presented. We will let it rest.

The numbers are simple: $4.4 billion expected to be a plus in the year 2001. It has a $60 billion minus, $59.9 in 2001. In 2002, it goes from zero allocated for that catchall account to $59.7 billion. That is a lot of money. It will make a huge difference when we try to fund the programs we care about.

The public ought to know we are changing the totals and we are reducing the numbers of people who can be used to carry on the tasks we have assigned. That is where we are. I think it is more than enlightening that we have seen this kind of a gimmick introduced into the budget resolution.

I yield such time as the Senator from Rhode Island needs.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, today we begin our debate on the budget. I think we should begin by noting that remarkable economic progress has been made in this country over the last 7 years, since 1993. There are 20 million new jobs in this country. Unemployment is at a record low. Home ownership is expanding dramatically. Productivity has been increased significantly. Inflation remains low. All of that good news is a result of budget decisions we made years ago under the direction of President Clinton and with the support of my colleagues in the Democratic caucus.

I am afraid this budget brought to us today by the Republican majority will undo most of that good work. We can all reflect upon the nay saying that took place years ago in 1993 where, when I was in the other body, my colleagues said this Clinton proposal would cause unemployment; it would cause a huge collapse; a recession would take place.

Nothing could be further from the truth. The proof really is in the pudding. The plans the President proposed, and in which he was supported by the Democratic caucus, produced remarkable economic prosperity and recovery throughout this country.

As I said, we have gone from a huge deficit to a surplus. But now we are prepared to forget the lessons of the last several decades and embark upon another extravagant and reckless, in fact, budget plan that will essentially, through untargeted tax reductions, dissipate the surplus and miss a significant opportunity to invest in the families of America, invest in those programs that are so critical to their future, and invest in ways that will make this country stronger. I am afraid if we support this proposal by the Republican majority, we will, in fact, see the great progress of the last decade undone.

What we should be doing, instead, is investing in our people, not proposing drastic tax cuts which essentially soak up all these hard-won surplus dollars. Rather than investing in health care and education, in those programs that are so central to the American family, this budget would result in drastic reductions in discretionary spending. At least 6 percent, or $20 billion, in fiscal year 2001 alone would be cut away from discretionary spending. We would find ourselves unable to keep up with simple inflation. Indeed, we would find ourselves lagging behind our requirements to fund programs on just a continuing basis, let alone making those additional investments which are so critical to the future of this country—in education, in health care, in veterans' affairs, in environmental policy.

This is also particularly suspicious when you look at the last several years and the avowed purpose of holding the line on spending of this Republican Congress. In fact, under the last few Republican Congresses, nondefense spending rose 3.2 percent in 1997, 2.6 percent in 1998, 5.3 percent in 1999, and 10.7 percent last year. Somehow this budget says we will hold spending 2.7 percent less than last year's spending. It would defy the history of this Republican Congress, going back several sessions.

So we begin with a budget plan that is faulty on its assumptions and faulty on its presumptions about what we can and what we will do. What we will see, in fact, is that we will forgo billions of dollars of necessary spending that we have never been able to forgo in the past, and we will not invest additional resources in important programs. In fact, with this budget plan, I fear we will end up, as we have in several past years, where, at the end of the session, we are in almost a train wreck; we come together with an omnibus appropriations bill that pays scant attention to this budget. I hope we can do better. I hope we can invest in those programs that are going to make a difference in the lives of working families rather than dissipating roughly 98 percent of the projected surplus into untargeted and misguided tax cuts.

Also, I hope we can do those things which all our constituents are asking us to do. One is a Medicare prescription benefit. I commend Senator WYDEN and colleagues on the Budget Committee because they at least were able to put in a $40 billion set-aside for a new Medicare prescription drug program. But, unfortunately, this initiative has been complicated, in a way compromised, because the last several years of the projected spending is tied into substantial Medicare reform. Again, given the record of this Congress over many sessions, to make a wise and necessary investment in our seniors contingent upon reform of Medicare is, to me, looking for an escape hatch rather than directly confronting this issue, directly appropriating the money, directly making the commitment of resources right now, unconditionally making that commitment.

I believe, also, we have a wealth of things to do with respect to our investment in education: reducing class size, increasing professional development for teachers, and giving the States resources for more accountability. We have, in fact, additional challenges in taking care of a generation of Americans who fought in World War II and who are now coming, with increasing numbers, to the Veterans' Administration with increased and more complex needs.

We have requirements to ensure that our natural resources are protected.

We have requirements to ensure we maintain a strong defensive posture in the world.

All of these cannot be done as well as we will and can do them if we abandon the strategy of massive tax reductions and rather look at targeted tax reductions for middle and lower-income Americans, together with wise investments across the range of initiatives.

The other aspect of this budget is a continuing need to invest in our infrastructure, not only our human capital in terms of education but our physical capital: Roads, bridges, better schools. All these things we cannot do if we essentially dissipate our resources the way this budget proposes.

There is something else we can and should do, and that is to begin to reduce our national debt held outside the Government. The President has proposed a plan to do that. Again, I think this budget represents a plan that is less adequate and less satisfactory.

For all these reasons, I urge this budget be carefully examined and then, just as carefully, rejected; that we embrace the alternative budget of my colleagues on the Democratic side. Also, in the course of this debate we have an opportunity to look at other issues which are close to all of us, issues that do not go to the financing, essentially, of the Government, but issues of importance to the time and moment of this great debate, issues such as gun control and others through which we can send a signal to the American public that we are listening.

I hope at end of the process we can come forward with a budget that represents an investment in America, that represents a recognition we have worked hard to bring ourselves to a place where we have surpluses which can be used—we hope wisely. We do not want to undo that progress. We do not want to go back; we want to go forward into a brighter future for all the families of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes just to answer the distinguished Senator who just spoke with reference to Medicare and the budget resolution.

To Senator REED, I would like to suggest that things are a little bit different in the budget resolution regarding Medicare and prescription drugs, to which he has alluded. First of all, in

the budget resolution there is $40 billion of new money for Medicare. It is put in a reserve fund and it is said it can be spent for two purposes: $20 billion for prescription drugs and $20 billion for reform. So, in a sense, we have done what he says he would like, and that is for there to be prescription drug money separate and distinct from reform money. That is the Snowe amendment, cosponsored by Senator WYDEN—actually, the suggested modifications made by SMITH of Oregon, that passed the committee without a dissenting vote.

I believe we have all the Medicare prescription drug language necessary for the Congress to get started. Frankly, I think it is a very good start and we are headed in the right direction.

I am going to propose a unanimous consent request. I believe it has been cleared.

I inquire of Senator REID, the minority whip, if the Senator from Texas can send her amendment to the desk, after which time we will propound the unanimous consent request which centers on that.

Mr. REID. Yes.

AMENDMENT NO. 2914

(Purpose: Sense of the Senate to provide for relief from the marriage penalty tax)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. ASHCROFT, and Mr. BROWNBACK, proposes an amendment numbered 2914.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE TO PROVIDE RELIEF FROM THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and a key institution for preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) A report to the Treasury Department's Office of Tax Analysis estimates that in 1999, 48 percent of married couples will pay a marriage penalty under the present tax system;

(4) The Congressional Budget Office found that the average penalty amounts to $1400 a year.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the level in this budget resolution assume that the Congress shall:

(1) pass marriage penalty tax relief legislation that begins a phase down of this penalty in 2001;

(2) consider such legislation prior to April 15, 2000.

Mr. DOMENICI. Mr. President, I want to make sure that when the Senator is finished or her time has expired the next Senator will be Senator ROBB, who will offer a second-degree amendment.

Mr. REID. Mr. President, I say to the manager of the bill, yes, he is going to offer the amendment, but we also have somebody who wants to make brief remarks on the marriage penalty.

Mr. DOMENICI. So long as there is time remaining on the amendment or anyone wants to speak on the amendment, then that will be the case, after which we will proceed to the Robb second-degree amendment.

Mr. President, I ask unanimous consent that a vote occur on or in relation to the Robb second-degree amendment regarding prescription drugs, to be followed immediately by a vote on or in relationship to the pending Hutchison amendment, as amended, if amended, at 11 a.m. on Wednesday, and the Senate resume consideration of the pending concurrent resolution at 9:30 a.m. on Wednesday, and the time between now and 11 a.m. be equally divided between the two managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I state on behalf of the leader, in light of this agreement, there will be no votes this evening and the next votes will occur at 11 a.m. on Wednesday.

I inquire of the minority manager if he is in any position to agree to reduce the overall time available on the budget resolution.

Mr. REID. Not at this time.

Mr. DOMENICI. I regret the minority side cannot agree to a reduction of time. I yield back any remaining general debate time allotted to the majority party, with the exception of 1 hour.

The PRESIDING OFFICER. The manager has that right.

Mr. DOMENICI. I inquire of the Chair, how much general debate time remains on the concurrent resolution?

The PRESIDING OFFICER. Twenty-two hours 22 minutes on the minority side; 1 hour on the majority side.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Parliamentary inquiry, Mr. President. Do I have 1 hour on my side?

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, I ask unanimous consent that my amendment be sponsored by myself, Senator ASHCROFT, and Senator BROWNBACK, and be referred to as the Hutchison-Ashcroft amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, this is a very simple amendment. It will express the sense of the Senate that it is time for marriage penalty relief. Why would we have a Tax Code that says a policeman and a schoolteacher getting married owe Uncle Sam $1,400 more in taxes? In fact, that is exactly what the Internal Revenue Code does, and that is exactly what we want to change.

My amendment expresses the sense of the Senate that we will start working to relieve the marriage tax penalty, and it says we will do it before April 15 of this year.

Of course, we all know what April 15 is. It is tax day. We want people who are writing their checks to pay their taxes this year to start thinking about the penalty they pay because they are married, and we want them to know that if our bill passes and the President signs it, they will be relieved of that penalty next year.

We are saying it is time for Americans to have a fair Tax Code. This is not so much a tax cut as it is a tax correction, and it is high time we do this.

It is amazing we even have to take up a bill such as this because one would think the Tax Code would not discriminate one way or the other between people who are single and people who are married. We are trying to get the fairest return for all Americans.

According to the Congressional Budget Office, 21 million married couples pay this penalty. The Congressional Budget Office estimates the penalty averages $1,400.

The bill that will be coming from the Finance Committee next week is a terrific bill. It is very simple and very clear. It doubles the standard deduction so that every married couple will have double the standard deduction than they have today. It will be totally fair. The standard deduction will be $4,400 for a single person and $8,800 for a married couple.

In addition, it doubles the brackets at the 15-percent level and the 28-percent level. That takes in the large majority of people in our country who pay taxes. In fact, in the 15-percent bracket, over 6 years, we increase the amount that can be made as a couple and still pay 15 percent from $43,000 to $52,000. So we would have $8,650, to be exact, more in the 15-percent bracket before one goes into the 28-percent bracket.

The 28-percent bracket today stops at $105,000, and we take it to $127,000, so one would still pay in the 28-percent bracket rather than going to the 31-percent bracket.

In addition to that, we take the very lowest income people who receive an earned-income tax credit and we make that credit $2,500 instead of the $2,000 it is today.

We are trying to do something for people in the lowest bracket and in the middle bracket. We think this is going to help the 21 million couples who are affected by this onerous tax disadvantage.

I had the privilege of meeting today with three couples, all of whom would have their marriage tax penalty totally eliminated if we pass the bill that will be before us next week.

We met with Kervin and Marsha Johnson. Kervin is a District of Columbia police officer. His wife is a Federal employee. They have been married 1 year. They are going to have to pay

$1,000 more in taxes because they got married last year.

We also met with Eric and Ayla Hemeon. Eric is a volunteer firefighter and works for a small printing company. Ayla works for a small business. They have been married for 2 years and are going to have a wonderful event in about 1 month; they are going to have their first baby. But, unfortunately, they are paying a marriage penalty of $1,100 that will take away from what they can do for their new baby.

We heard from a couple who have been married 25 years, Lawrence and Brendalyn Garrison. He is a corrections officer at Lorton. She is a teacher in Fairfax County. Last year, they paid $600 in a marriage tax penalty. Mrs. Garrison is clearly a schoolteacher because she said to me: If you pass this bill, do you think we could make it retroactive? Twenty-five years? I applaud her spunk. We will not be able to do that. But we can certainly give them the next 25 years with a little more relief.

What we are saying today is, we want the Senate to vote, before April 15, before people are required to have their taxes in, in order to let them think about exactly what they are paying this year; and if they are one of the 21 million couples, they can think about how much less their taxes will be next year if we pass our legislation.

So the Hutchison-Ashcroft amendment is going to say it is the sense of the Senate that we pass this simple legislation next week. I do not see how anyone could possibly oppose having the marriage tax penalty relieved from so many of the taxpayers in our country.

Congress is trying to give relief to a lot of people in our country who have been burdened with unfair taxes. This year, for instance, we have given tax breaks to small businesspeople because we know the economic engine of America is small business. We know that the taxes and regulations hurt small business the most because they have the smallest margins. They are having a hard time making ends meet. So we have given tax relief to small businesses.

This year, we have given tax relief for parents who are trying to enhance their children's education. We are trying to give tax relief to a parent who would want to buy a computer for a child, or extra books, or perhaps a tutor, or perhaps tuition, or perhaps a band uniform. All of these things enhance education. We want people to have some tax breaks to be able to do that. Senator COVERDELL passed that bill earlier this year.

We have given medical savings accounts as tax relief for people who would build up a savings account for their medical expenses—tax free—as an encouragement to provide for their medical needs.

We have given relief to Social Security recipients who are 65 to 70 years of age who want to keep working but heretofore have been penalized for that right.

All of these tax cuts that we have given this year—plus the marriage penalty tax relief we will give next week—total about $136 billion over 5 years.

The budget resolution we are debating today has $150 billion in tax cuts reserved because we are committed to tax relief for hard-working families. So we are well within this budget resolution with the tax cut bills that have been passed by this Congress so far.

So far, the President has not signed any of these bills. Some of them have not gone to the President. But we hope he will sign the Social Security bill, which will be the first one on his desk, so that Social Security recipients will have the option to work if they so choose. We hope we will put the others on his desk in due order, including the marriage penalty relief.

We have passed marriage penalty relief before, but the President vetoed it last year. We are coming back. The President said: Send me these bills one at a time. That is exactly what we are doing. We are sending him marriage penalty relief by itself to see if he really is committed to tax relief for hard-working American families.

I hope we can pass this sense-of-the-Senate amendment; it will take the first step toward saying the Senate is serious about marriage penalty relief. I believe we will be able to pass this bill next week. I think we will send it to the President. I think he will have a chance to explain to the American people that he either does support marriage tax penalty relief or he does not and, if not, why.

I urge my colleagues to support this bill. I hope they will not support any amendments that are extraneous to this amendment because it is pretty simple and pretty clear; we are seeking the support of the Senate for marriage penalty relief. I hope we can do it.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. ROTH. I rise today in support of the amendment of the Senator from Texas.

Getting married is not cheap. According to Bride's magazine, a couple getting married today can expect to spend $20,000 for the big event—reception, flowers, food, dress, band, and cake. Throw in another $4,000 for the honeymoon, and the sticker shock is complete. But it is not over. Just when the newlyweds thought their debts were paid off, tax time arrives and they are faced with a new bill—the marriage tax penalty.

Last week, the Senate Finance Committee approved legislation that will provide relief from this bliss-busting tax.

Our legislation would provide $248 billion in relief to America's families by eliminating the marriage penalty in the standard deduction; providing broad based relief by widening the 15- and 28-percent tax brackets; expanding the earned income credit to more lower income working families and ensuring that families can take the tax credits for which they qualify by permanently eliminating any cutbacks of the credits because of the minimum tax.

Even after the honeymoon's over and paid for, today's newlyweds are going to find their married life perpetually filled with financial challenges. That $20,000 wedding is going to look cheap compared to saving for a down payment on a house, saving for a college education and saving for retirement. Letting families keep more of what they earn by lowering their taxes will make each of these financial challenges easier to face and, in the process, hopefully help make that wedded bliss last a little longer.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, I say to the Senator from Texas, I am sure the minority will support her amendment.

I ask unanimous consent that, based upon the agreement we have had with the Senator from New Mexico, the Senator from Virginia be allowed at this time to offer his amendment on prescription drugs.

As I also explained to the Senator from New Mexico, we have a time agreement on when the vote will take place. Senator ROBB is here to offer a prescription drug amendment. That does not mean someone else cannot come before tomorrow at 11 o'clock and talk on the marriage penalty.

Mr. DOMENICI. That is correct.

But has the Senator completed her hour?

Mr. REID. No.

Mrs. HUTCHISON. I reserved the remainder of my time.

Mr. DOMENICI. You would reserve it, even if a second-degree amendment were going to be offered now? Is that what the Senator wants to do?

Mrs. HUTCHISON. Mr. President, I have other speakers who wish to speak on my amendment.

Mr. DOMENICI. Mr. President, if the Senator reserves her time and the second-degree amendment is offered, does that impact on her reservation at all? Does she still have time?

The PRESIDING OFFICER. It depends on the nature of the unanimous consent by the Senator from Nevada.

Mr. REID. I say to my friend, the manager of the bill, Senator ROBB would offer his amendment on prescription drugs. After he completes his statement, someone from the majority can come and speak on the marriage tax penalty, or maybe we could. We have a time agreement when the votes will take place on these two matters, so I do not think anyone would be advantaged either way by his stepping forward at this time. There is no one else on the floor at this time.

The PRESIDING OFFICER. If that is the unanimous consent agreement, the Senator from Texas would retain her time.

Mr. DOMENICI. There is no such unanimous consent request. But if you

are construing that to be a request, I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

AMENDMENT NO. 2915 TO AMENDMENT NO. 2914

(Purpose: To condition Senate consideration of any tax cut reconciliation legislation on previous enactment of legislation to provide an outpatient prescription drug benefit under the Medicare program that is consistent with Medicare reform)

Mr. ROBB. Mr. President, under the unanimous consent agreement just reached, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. ROBB] for himself, Mr. KENNEDY, Mr. WYDEN, Mr. GRAHAM, Mr. BRYAN, Mr. DORGAN, Mr. BAUCUS, Mr. BINGAMAN, and Mr. JOHNSON, proposes an amendment numbered 2915 to amendment No. 2914.

Mr. ROBB. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

SEC. ___. REVENUE REDUCTION CONTINGENT ON OUTPATIENT PRESCRIPTION DRUG LEGISLATION.

(a) FINDINGS.—Congress finds that—

(1) a medicare outpatient prescription drug benefit should be established before exhausting the on-budget surplus on excessive tax cuts;

(2) while the Senate budget resolution provides a date certain for the consideration of $150,000,000,000 in tax cuts, it does not include a similar instruction for the enactment of an outpatient prescription drug benefit;

(3) all seniors should have access to a voluntary, reliable, affordable medicare drug benefit that assists them with the high cost of prescription drugs and protects them against excessive out-of-pocket costs; and

(4) 64 percent of medicare beneficiaries have unreliable or no drug coverage at all.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider a reconciliation bill resulting in a net reduction in revenues unless Congress has previously enacted legislation that—

(1) provides an outpatient prescription drug benefit under the Medicare program consistent with Medicare reform; and

(2) includes a certification that the legislation complies with paragraph (1) of this section.

(c) SUPERMAJORITY WAIVER AND APPEAL.—The point of order established in this section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. ROBB. Mr. President, today, we begin our annual debate over our Nation's budget. This is an important debate. Because when you set aside the partisan squabbling and political posturing, this debate is crucial: it is about establishing our priorities as a nation.

Throughout my career, I have fought for fiscal discipline and tried to stop the Federal Government—and during the time I served as Governor of my State, State government—from spending more than it takes in.

Maintaining fiscal discipline means meeting Government obligations without borrowing from future generations. The budget resolution allows us to determine the nature and extent of our obligations by establishing our priorities. The question, then, is, What sort of priorities will Congress set for the American people this year? Will we opt to continue our path of fiscal discipline? Or will we enact a budget that ignores our $5 trillion-plus debt in our haste to provide politically appealing tax cuts? Will we choose to make new investments in education? Or will we simply decide to maintain the status quo? Will we modernize and strengthen Medicare? Or will we choose instead to use those dollars on a risky tax cut that endangers Medicare and erases the surplus?

These are the sort of decisions the Senate will make over the next few days. I believe we need a budget that will make America stronger and one that will address our most vital priorities.

I rise at this time to speak on the second-degree amendment I just offered, an amendment that will address one of our most pressing priorities—the need to bring Medicare into the 21st century. It is very similar to an amendment I offered last year.

This amendment states, simply, that if Congress is going to consider tax cut legislation, it must first pass legislation that will modernize Medicare through the creation of a prescription drug benefit.

Thirty-five years ago, President Lyndon Johnson signed Medicare into law. At the time, our country transcended politics and put our differences aside to come together, as a nation, to do the right thing with regard to acute care for our Nation's seniors. Few programs in our Nation's history have had such a lasting, positive effect on so many lives. Poverty among seniors, for example, has fallen nearly two-thirds since Medicare was first created in 1965.

Today, seniors live longer and better than they ever have before. But while Medicare is still a success today, the program has become hopelessly outdated. New technology and new health practices have changed medicine. The private sector has responded by integrating them into modern medicine. Perhaps the greatest change has been the emergence of prescription drugs as an integral part of modern medicine. Today, thanks to years of biomedical research funded by both Government and the private sector, prescription drugs have enabled us to treat, and often cure, all sorts of ailments and sicknesses in ways we could only dream of back in 1965. Yet while Medicare will pay for so many other parts of medicine—surgery, visits to the doctor, physical therapy, durable medical equipment, et cetera—Medicare has stayed wedded to the 1965 model of not paying for prescription drugs, even when the drugs clearly help prevent seniors from having more complicated and expensive health problems. That doesn't make sense.

Think about it. While our engineers used slide rules in 1965, we certainly would not expect them to go without the latest computer technology today. Likewise, medical equipment has advanced by leaps and bounds. We would not think of using a 35-year-old heart monitor on a patient; nor would we think it is sound policy to deny a patient access to a CAT scan simply because the technology wasn't around in 1965. Yet today many seniors are forced to go without needed medication because Medicare offers no coverage for outpatient prescription drugs.

To illustrate this point, I want to share with colleagues a letter I received 2 weeks ago from a constituent in Williamsburg, VA, a veteran who served our country in Vietnam. He writes:

I have gone for almost two months without my blood pressure medicine . . . because I can't afford the $150 a month to get it refilled . . . . I constantly feel feverish and have a splitting headache. I'm afraid I'm going to have a stroke.

Another woman from St. Stephens Church, VA, writes:

My husband and I are both retirees and rely on Social Security and Medicare. Recently we both had to go to our family doctor and the drugs that were prescribed for us would cost us out of pocket approximately $300 per month. Due to the cost of the two prescriptions, we are forced to choose not to take the medication and live with the illness.

It is time we did something to change this. While over 90 percent of the private sector employees with employer-based health insurance have prescription drug coverage, the 38 million-plus Medicare beneficiaries in America today have no basic prescription drug benefit. At the same time, the average Medicare beneficiary fills 18 prescriptions each year and will have an estimated average annual drug cost of nearly $1,100 this year.

We have an obligation to our seniors, and future generations of seniors, to strengthen and modernize Medicare by adding a prescription drug benefit. Unfortunately, the Republican budget resolution does not require that Congress spend a dime on this vital benefit. However, their resolution does require that we pass $150 billion in tax cuts. This is an issue where we need to reassess our priorities.

Let me state for the record that I am not opposed to all tax cuts. This past Congress, I have introduced or supported several targeted tax cut proposals, including bills to repeal the estate tax, eliminate the true marriage penalty, repeal the 3-percent telecommunications excise tax, and extend

the R&D tax credit, among others. What I am opposed to, however, is using our surplus for tax cuts before we have also addressed our other critical obligations—because a surplus, by definition, is what you have left over once you have met all your obligations.

The question is, Do Senators want tax cuts, or do they want to help our Nation's seniors? Our friends on the other side say they would like to do both, but the language in the budget resolution suggests differently.

Reading their resolution, they require the Finance Committee to report out a giant tax cut bill by September 22. Yet when it comes to adding a prescription drug benefit for seniors, there is no such requirement—although the resolution has a reserve fund that would allow the Senate to consider a drug bill on the floor if the Senate Finance Committee has not reported a bill by September 1.

This resolution makes the Republicans' priorities very clear: The Senate must pass tax cuts, and as for prescription drugs, well, we hope we can find some time to take it up later in the year. Maybe we can take it up if we have any money left after the tax cuts.

My friends on the other side of the aisle have suggested this is not the case. They have said they want to pass a prescription drug benefit this year. They have claimed there is ample money in their budget resolution to add a drug benefit to Medicare and enact their massive tax cut.

But a close examination of their budget resolution reveals that it would be impossible for them to do anything but enact a massive tax cut this year. The Republican budget resolution assumes $150 billion in tax cuts over the next 5 years. Combined with the interest America will pay from this revenue loss, the total budgetary impact will be $168 billion. Given that their budget resolution only assumes $171 billion in total surplus over this same time period, all but 2 percent of the on-budget surplus will be devoted to tax reduction. This leaves virtually nothing for prescription drug coverage, much less other priorities, such as defense or education, unless Congress makes deep cuts in other domestic discretionary programs.

As we have seen in past years, these cuts are simply unrealistic; they will never materialize, and they pose a real threat of a raid on Social Security.

How do they propose to help our seniors access prescription drugs when they have devoted 98 percent of the surplus over the next 5 years to tax cuts?

We ought not to be enacting major tax cuts until we have first fulfilled our obligation to our seniors to add a prescription drug benefit to Medicare. Let's get our priorities in order and put seniors before tax cuts.

I urge all Senators to support this amendment.

Mr. GRAHAM. Mr. President, I thank Senator ROBB, for introducing this important amendment.

Today, we have before us the opportunity to achieve our collective goal of reforming the Medicare program. To do so, we must both realize and accept the fact that the face of health care has changed since the inception of Medicare in 1965.

In 1965, America's health system focused upon the inpatient setting, reacting to both acute and chronic conditions. In turn, Medicare followed this model.

Today, our health care system benefits from the advantage of new technologies, preventive measures and prescription drug therapies. Unfortunately, Medicare does not share these advantages, due to our inability to put reform first.

Mr. President, my colleagues have spoken eloquently about the need to include a prescription drug benefit in the Medicare package—certainly before we turn to tax cuts. This benefit would be an essential part of updating Medicare to adequately service the health care needs of today's seniors.

Currently, private health care plans cover medication because it is a vital component of modern health care. Prescription drugs are viewed as integral in the treatment and prevention of diseases.

Accordingly, we must find an approach to a Medicare prescription drug benefit that will best provide the most meaningful coverage for the most beneficiaries. And, I would argue that we take one step further and recognize that the development of a prescription drug benefit for Medicare beneficiaries is directly related to the need for preventive care.

As one of the primary guardians of the Medicare program, the Senate has the sobering responsibility to design a program that focuses on health promotion and disease prevention for all Medicare beneficiaries. This approach will slow the growth in costs to the program in the future, and, more importantly, will improve the quality of life for older Americans.

It has been proven time and time again, that a combination of preventive services and appropriate medication can reduce the incidence of stroke, diabetes, and heart disease among other serious and costly illnesses.

Detailed programmatic changes—changes based upon the realization that prescription drugs and preventive services go hand in hand—are necessary to convert the current Medicare system into one that will best serve our seniors.

Mr. President, I am not convinced that the tax cut that is incorporated into this budget resolution will achieve our goal of muchly needed reform.

Our seniors have been pleading with this Congress to create a drug benefit. And, maybe it is because I hail from a state where nearly one-fifth of the population is over age 65 . . . but I have not heard such impassioned pleas for tax cuts.

We are very fortunate to be living in an age of prosperity. But, I cannot sit idle while this Congress squanders our good fortune on the folly of tax cuts.

Instead, I implore you to take advantage of these good economic times and use the dollars that are available to us today to implement change that will benefit us tomorrow.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. REID. Mr. President, will the Chair inform us about how much time is left on the second-degree amendment on our side?

The PRESIDING OFFICER. Eighteen minutes 25 seconds.

Mr. REID. Under the time of the minority on the bill, we yield an additional 12 minutes to the Senator, for a total of 30 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair. I don't believe I will need all of that time. But I appreciate leadership yielding the time.

Mr. President, first of all, I thank the Senator from Virginia, Mr. ROBB, for offering this amendment. I welcome the chance to join with him and my colleague and friend, Senator WYDEN of the State of Oregon. I commend him for the way this amendment has been fashioned and for the excellent presentation and compelling case he made in favor of this amendment.

When you get right down to it, as he said so well, this is really a question about priorities. As the Senator from Virginia pointed out, if we reject this amendment, we are putting tax breaks before our senior citizens. If the Senate accepts this amendment, it is putting our senior citizens, their health and their well-being, ahead of tax breaks for the wealthy.

As we start this debate on the budget, we have an issue that makes a great difference to millions of senior citizens and their families—because so often elderly people need assistance from their family members in order to purchase their necessary prescription drugs. This is a significant drain on both the senior citizen and their family's income.

I again commend the Senator from Oregon, Mr. WYDEN, for the superb presentation he made in the Budget Committee, and for his outreach to Members on the other side of the aisle. I admire their strong willingness to support the Wyden proposal because I think it will make a difference in the lives of many of our seniors.

As I mentioned, a budget is a statement of our national priorities. There is no more important priority than Medicare coverage of prescription drugs. Our amendment puts the Senate on record that quality health care for senior citizens is more important than new tax breaks for the wealthy.

The need for action on prescription drugs is as clear as it is urgent. Too many elderly Americans today must choose between food on the table and the medicines they need to treat their illnesses. Too many senior citizens can

only take half the pills their doctor prescribes, or must forego needed prescriptions, because they cannot afford the high cost of prescription drugs. Too many senior citizens are paying twice as much as they should for the drugs they need because they are forced to pay full price when almost everyone with private insurance coverage has the benefit of negotiated discounts. Too many senior citizens end up hospitalized, at an immense cost to Medicare, because they cannot afford the drugs they need or can't afford to take them correctly.

As numerous discoveries in recent years have made clear, pharmaceutical products increasingly offer cures for many dreaded diseases. Far too many senior citizens are being left out and left behind because Congress has failed to act.

I strongly believe this century is going to be the life-sciences century. We know about the extraordinary possibilities for breakthrough prescription drugs. We know, for example, if we were to have a breakthrough drug for delaying the onset of Alzheimer's disease, half the nursing home beds in my State of Massachusetts would be empty. The impact on quality of life would be significant. At the same time, we could save the Medicare system money.

I want to take a moment of the Senate's time to review why this amendment is so important.

There is a drug crisis for senior citizens: Coverage is going down, and costs are going up.

I want to take a few moments to review for the Senate exactly what is happening across America.

We have 36 million American seniors, as this chart indicates. We are finding that 12 million of them have no coverage whatsoever; 11 million have employer-sponsored coverage. I will come back to that. Three million have Medicare HMOs. Four million have Medigap coverage. Four million have Medicaid coverage. This is the only group, the poorest of the poor, in America that have reliable prescription drug coverage. Three million have coverage as veterans or through other programs.

This is what is happening in America today. We know a third of all seniors have no coverage whatsoever. Let's take a look at seniors with employer-sponsored; they represent about one-third of all seniors.

Look at this chart. From 1994 to 1997, we see a precipitous drop in employer-sponsored coverage. We see a drop of 25 percent over the 3 years from 1994 to 1997.

If 1997 and 1998, coverage is dropping like a stone. A third of all the elderly people have no coverage; another third have employer-sponsored coverage, but that number is dropping rapidly.

What is happening in Medicare HMOs? This is what is happening to Medicare HMO drug coverage: It's inadequate and unreliable. First of all, the drug benefit is only offered at the option of the HMO. More than 325,000 Medicare beneficiaries lost their HMO coverage this year—325,000 have been dropped.

The Medicare HMOs are also reducing the level of drug coverage. Seventy-five percent of all the Medicare HMOs will limit prescription drug coverage to less than $1,000 this year, an increase of 100 percent since 1998. In 1997, 37 percent of Medicare HMOs had caps of less than $1,000; in 1998, this number increased to 75 percent. Thirty-two percent of Medicare HMOs have now imposed caps of less than $500 for prescription drugs.

Twelve million seniors with no coverage, 11 million and dropping with employer-sponsored coverage, and 3 million with coverage through Medicare HMOs, and we find that the HMOs are setting caps of $500 or less. This suggests very poor, unreliable prescription drug coverage for our senior citizens.

Four million seniors have prescription drug coverage through Medigap. Look at what is happening to the cost of Medigap plans with drug coverage—$2,600 for someone who is 75 years old; $2,600 a year in Delaware; New York, almost $2,000; Iowa, almost $2,000; Maine, almost $2,500; and almost to $2,500 in Mississippi—and many seniors are not even eligible for Medigap drug coverage. You can only purchase the Medigap plans that include prescription drug coverage at the time you first become eligible for Medicare. These plans are incredibly expensive. The cost of Medigap which includes prescription drugs is unaffordable and unavailable for most senior citizens.

Again, the level of Medicare HMO drug coverage is dropping drastically. We see the collapse of coverage for seniors with employer-sponsored plans, for seniors in Medicare HMOs, and for seniors with Medigap. This effectively leaves persons with Medicaid as the only seniors with reliable drug.

At the same time coverage is collapsing, drug costs are growing at double-digit rates: a 9.7 percent increase in 1995; 10 percent in 1996; 14 percent in 1997; 15 percent in 1998; 16 percent in 1999.

What about the rates of inflation? Inflation was 2.5 percent in 1995; 3.3 percent in 1996; 1.7 percent in 1997; 1.6 percent in 1998, and 2.7 percent in 1999. In other words, drug costs are going up significantly faster than the rate of inflation. Coverage is collapsing, and costs are going through the roof. We are not meeting the needs of our elderly people.

That is why we on this side of the aisle believe, unlike the other side of the aisle, we should have agreement on the principles for a quality Medicare prescription drug benefit. There should be coverage for all seniors, coverage must be basic and catastrophic, and it should be affordable both to the Federal Government and to the individual. These principles were not recognized by the Budget Committee.

These two charts demonstrate what the budget resolution has done for taxes and what it has done for prescription drugs. Section 104: ''Not later than September 22, 2000, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes''—that would be tax cuts for the next 5 years.

Note the words, ''shall report.''

Regarding the reserve fund for prescription drugs: ''The Senate spending aggregate and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for the legislation reported by the committee on . . . to provide a prescription drug benefit for fiscal year 2001, 2000, and 2003.''

See the difference? That is why we are offering this amendment. We are treating tax breaks the same as prescription drugs—the other side of the aisle is not. That is why the Robb amendment is before the Senate. There is one criteria for tax breaks for wealthy individuals and another criteria for our elderly Americans. That is the issue we are addressing.

The tax measure is a permanent measure. Can we say that about the prescription drug measure? No, no, no, it only goes on for 3 years. After 3 years, it only continues ''if legislation is reported by the Senate Committee on Finance that extends the solvency of the Medicare Hospital Insurance Trust Fund without the use of transfers of new subsidies from the general fund.''

It says, ''that extends the solvency of the Medicare Hospital Insurance Trust Fund without the use of transfers . . .''

Why is the Budget Committee saying we cannot use any of the surplus? That is what this provision says. You are not able to use any surplus to extend the solvency of the Medicare trust fund. This says ''that extends the solvency'' ''without the use of transfers of new subsidies''—that is the surplus ''from the general fund.''

They are saying after the first 3 years you cannot have funds for the fourth or the fifth year unless you have a complete revamping of Medicare. And you cannot use any surplus money to extend solvency.

How does that translate? To the senior citizens it means there will be a cut in Medicare benefits. If you are going to have prescription drug coverage, you will have to cut your Medicare benefits or raise the payroll tax. Those are the options the Budget Committee is leaving for prescription drug coverage.

They don't set that criteria for the tax breaks. They say you ''shall.'' It is permanent. It will go on ad infinitum. But not for prescription drugs. We may provide coverage for 3 years, but we will not extend coverage beyond that unless there is a complete revamping of the Medicare system. And we can't use any surplus funds—as President Clinton and AL GORE suggest, and as every Member on this side believes can and should be used.

They are saying no, no, you cannot use any of the surplus for Medicare solvency. And you will only be able to get

a prescription drug benefit if you either cut Medicare benefits or increase the payroll tax.

What does this mean for senior citizens? This means they have a very poor deal on prescription drug coverage. It is a better deal than we had last year and we are encouraged that we have made some progress. But this does not give the assurances that our elderly people need that they are going to have affordable, reliable prescription drug coverage.

No matter how many times they say it, the language is very clear. The Robb amendment is very clear. It says we want a prescription drug benefit that is worthy of its name, that covers all seniors, that is affordable to both beneficiaries and the Government, and we will do that before we cut taxes.

This $20 billion for years 4 and 5 will not be adequate because we are seeing a phasing in of the coverage over a period of time. The money for the fourth and fifth years is completely inadequate. The cost of the President's plan is up to $31 billion, 50 percent higher, and that was without catastrophic coverage. The cost of the President's program is about $200 billion over 10 years. That is a sizable amount, but it is a good program. It will make a major difference in the lives of our seniors. It will relieve many of our elderly citizens from the anxiety they currently face.

This amendment is of enormous importance and consequence. I cannot express my appreciation enough to the Senator from Virginia. Everyone in the State of Virginia, every elderly citizen and their family, will be affected by this effort that the Senator has put forward. It will affect the seniors not only in his State but in my State of Massachusetts and all across this country.

This is the first opportunity we have had—since the President of the United States identified prescription drugs in his State of the Union a year and a half ago—to have this debate and to have a rollcall on a measure that can make such a difference in so many lives. The Senator from Virginia is offering this opportunity. Tomorrow at 11 o'clock this Senate will have the chance to say whether it wants to put the interests of our elderly people first, or if we want tax breaks for wealthy people to come before them.

It is very clear from the presentation that has been made by the Senator from Virginia and the Senator from Oregon where they stand. I am proud to stand with them. I hope the Senate will stand with them tomorrow also.

I yield back my remaining time.

The PRESIDING OFFICER. The Senator has consumed his time on the amendment. The Chair recognizes the Democratic whip.

Mr. REID. Mr. President, what the manager and I would like to do is enter into a unanimous consent agreement so we know what is left for this evening. It is my understanding the Senator from Massachusetts has completed his statement for today.

Mr. KENNEDY. Yes. Thank you.

Mr. REID. What we would like to do is recognize, next, Senator GORTON, to speak for up to 12 minutes; Senator FEINGOLD, to speak for up to 7 minutes; Senator ASHCROFT, up to 10 minutes; and Senator BRYAN for 10 minutes. After that, we would be out until the morning—at 9:30?

Mr. DOMENICI. Let's leave that up to the leader.

Mr. REID. I thought that was what it provided. All it says is back in at 9:30.

Mr. DOMENICI. Does it provide for a closing, or is it up to the leader to provide for a closing?

The PRESIDING OFFICER. That would be up to the leadership.

Mr. REID. Fine. We will end at that, when Senator BRYAN completes his statement. Whatever the leadership wants to do, we can do.

Mr. DOMENICI. I thank all the Senators for not taking any more time. There is more time tomorrow. There are events planned by the leadership for tonight. Senators, if they wanted to listen to us, could go on to their events and still have heard what we have to say. I wish to make one observation and then I will agree to the rest. It will just take me 1 minute.

I, first, want to remind the Senate and anybody listening, in the Senate Budget Committee, regarding the reserve fund of $40 billion for Medicare and prescription drugs, the cosponsor of that was a Democrat Senator named WYDEN who was praised in our committee by Senators LAUTENBERG and CONRAD as doing the right thing for Medicare. I think we have done the right thing.

Our budget says: Do prescription drugs first. That was because of the language offered by the distinguished occupant of the Chair, which said by September 1 we would have to have a package on the floor or we could offer it on the floor. And, incidentally, it then says taxes would be considered on the 22nd day of September, almost a month later. So our approach was Medicare first, tax cuts almost a month later—about 17 days later. I think that is the way it ought to be.

The Robb amendment is nongermane and is unnecessary, but we will make that case tomorrow before we vote. I am going to leave the floor. I thank everyone again for the discussion. I thank Senator ROBB for the way he has handled the amendment.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the motion?

Mr. DOMENICI. I reserve the right to object.

Mr. ROBB. Reserving the right to object, and I will not object, I would like to respond to my distinguished friend from New Mexico and say, if that is the intention of the Senator from New Mexico and others on the other side of the aisle, this amendment should not be a threat. I hope, in that case, the majority party, and all of those who are members of the majority party, would support this amendment.

I thank my distinguished colleague from Massachusetts for laying out the case in eloquent detail with some very informative charts and for making what I think is a very persuasive case. But if it is the intention of the majority to follow through with the plan they have outlined, then this amendment should pose no threat to them whatsoever. I hope, then, we would have this amendment approved by unanimous consent.

With that, I do not object.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. DOMENICI. I had objected to the time scenario until I clarified something.

Mr. KENNEDY. Can I clarify something with the Senator? Is there any guarantee in the budget instructions that we will have prescription drug legislation on the floor by September 21?

Mr. DOMENICI. No. It says the 60-vote point of order against any such legislation will disappear on the date I just described, which was the date suggested by the occupant of the chair. So if the Senator wants to offer a bill on the floor after that date, that budget resolution, it will not be subject to a point of order under the Budget Act. It will be permissible, with prescription drug and/or reform.

Mr. KENNEDY. I thank the Chair.

Mr. DOMENICI. Mr. President, I objected to the scenario because I did not understand.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Let me ask a question. I don't want to have to object. When the Senate recesses tonight, there should be 90 minutes, as I understand it, equally divided in the morning.

Mr. REID. I am sorry. Will the Senator repeat that?

Mr. DOMENICI. When the Senate recesses, there should be 90 minutes left for tomorrow morning. That would be to debate on the Hutchison and the Robb amendments. If not, the Senate intends to remain in session until the time is used or yielded back.

Mr. REID. It is my understanding, after we complete the statements tonight, hoping to finish around 6 o'clock, that tomorrow morning we will come in and each side will have 45 minutes to debate either the Hutchison amendment or the Robb amendment.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, the unanimous consent request is agreed to.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, yesterday, a bus load of seniors traveled from Seattle to Canada to buy prescription drugs. Just a short drive from where these seniors live, they can buy the medicine they need to stay healthy for much lower prices than they would pay at their neighborhood pharmacy.

Why? Because our own U.S. manufacturers sell exactly the same product to Canadian pharmacies for much less than the price they charge drug stores in the United States. Americans end up going to Canada and Mexico in order to afford to buy products that were discovered, developed and manufactured in America. Shocking? Yes. But every day U.S. based drug companies sell identical FDA approved, U.S. manufactured products in Canada and Mexico at discount prices unavailable to American purchasers in the United States.

Here are a few examples:

The Pecks from Tacoma, Washington recently saved $600 by going to Canada to buy a three month supply of blood pressure, stomach and sinus medications. Tomaxifen to treat cancer costs $15 for a one month supply in Canada and $95 a month in Vermont. Prozac to treat depression, is just .95 cents a pill in Mexico and costs $2.21 in the United States.

These price differences are by no means unusual. I was astounded to learn that for the top ten most commonly prescribed drugs, average prices are 64 percent lower in Canada than in Washington state.

I ask unanimous consent a copy of a survey of price differences be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

GORTON TOP TEN PRESCRIPTION DRUG PRICE DIFFERENCES BETWEEN WASHINGTON AND CANADA [1]

	Premerin (.3 mg)	Synthroid (.05 mg)	Lipitor (10 mg)	Prilosec	Norvasc	Prozac (10 mg)	Clairitin (10 mg)	Zithromax z-pak, 6 tablets	Zoloft	Glucophage (1000 mg)
Spokane	$25.69	$15.02	$68.12	$111.25	$51.69	$81.62	$79.69	$47.42	$83.69	$26.72
Bellingham	26.69	16.69	75.69	150.69	78.69	91.98	80.69	89.69	87.69	60.69
Vancouver, WA	25.69	16.69	75.69	132.88	51.69	90.69	79.69	52.69	83.69	60.69
Tacoma	25.69	50.98	75.69	119.68	46.52	90.69	79.69	52.69	75.32	60.69
Vancouver, B.C	11.63	9.54	61.48	N/A	48.69	63.52	N/A	39.48	35.70	[2] 15.88
Vancouver, B.C	9.00	11.11	67.64	[3] 73.00	49.00	65.74	[4] 13.99	44.31	46.56	17.00
Calgary, Alberta	10.57	12.50	61.95	[3] 75.00	49.00	45.20	33.98	40.70	35.00	[2] 18.20
Victoria, B.C.	11.00	10.00	65.00	[3] 81.00	54.00	50.00	N/A	N/A	30.00	17.00
Washington State	25.94	24.84	73.79	128.63	57.15	88.75	79.94	60.62	82.60	52.19
Canada (in U.S. $)	10.55	10.78	64.02	73.50	48.96	16.12	33.98	41.50	39.08	17.02
	(7.17)	(7.33)	(43.55)	(49.98)	(33.29)	(10.97)	(23.11)	(28.23)	(26.50)	(11.58)
Savings from U.S. price	72%	70%	41%	61%	42%	88%	71%	53%	68%	78%

TOTAL AVERAGE SAVINGS=64%

[1] Based on 30-pill orders and the lowest mg. available in each drug. Prices are based from Rite Aid Pharmacies in WA state, Alberto Pharmacies in Vancouver, B.C., and ABC Pharmacy in Calgary, Alberta #403.228.7065. Prices based on Senior Discount's in the WA pharmacies. Top ten most commonly prescribed drugs in 1999 from Medical Economics Company Inc.
[2] 500 mg.
[3] "Losec".
[4] For a 12-pack.

Mr. GORTON. Let me repeat—64 percent lower. That is outrageous.

A major reason for this disparity is that foreign governments have implemented price control policies that tempt—successfully I may say—U.S. drug companies to discriminate against American consumers. Other countries offer to pay the nominal costs of manufacturing a drug, some profit and little else. Our drug companies agree because they can still make a profit, leaving our citizens to pay the high costs associated with research and development of new drugs. And where has the Clinton/Gore Administration been? In my opinion it has done a wholly inadequate job of protecting Americans from this form of price discrimination—it simply ignores the problem.

I believe it is time to change the law so that Americans are no longer discriminated against with respect to the cost of prescription drugs. The best way I know to do that is to prevent drug companies from selling any product in Canada or Mexico at a lower price than they sell it for in the United States.

These are the principles found in the Robinson-Patman Act, a law Congress passed more than 60 years ago to address price discrimination in the United States. That act simply tells manufacturers that they can't act to undermine one business by selling the same product to a competitor at discounted rates, unless the price difference is due to legitimate quantity discounts.

What will this proposal mean? Once drug companies have the incentive to charge non-discriminatory prices overseas and other countries pay a fare share of drug research and development costs—people in Washington state and across the country will pay lower prices for prescription drugs.

Let me speak briefly about what I am not trying to do. I am not telling drug companies what price they have to charge for their product. I am simply saying that manufacturers can no longer discriminate against American consumers by charging Canadian and Mexican pharmacies lower prices than they charge Americans for precisely the same product.

It is not my intent to harm the research going on in the U.S. Drug companies should be able to recoup the research and development costs for both unsuccessful and successful new drugs. But my constituents in Washington and other Americans should not be forced to pay all of those costs for the rest of the world.

I have talked to seniors, doctors and others in our health care system about these pricing problems, but I wanted to hear from the industry as well. So last week, I asked the President of PhRMA and representatives from most of the big drug companies why Americans pay more than people in Canada or Mexico for the same exact drug. They told me that they shared my concern that American consumers pay most of the research and development costs associated with making new medicines. I was pleased to hear that we were on common ground in that area.

Unfortunately, I was left with the impression that the pricing issue is not a top concern to the drug companies. Instead of engaging me in a real discussion about the pricing issue and the vast difference between the cost of drugs in Canada and the cost of drugs here, I learned about the companies' commitment to having drug coverage extended to Medicare beneficiaries. They have a point on that issue, and I am working with my colleagues on such an extension.

But still this so-called solution is just one piece of the puzzle. Expanding Medicare coverage will help some people, but it doesn't help everyone, and it seems more like an effort by the drug companies to increase their markets at high prices, as opposed to dealing head on with policies that encourage them to charge Americans more for prescription drugs than they charge people in Canada and around the world.

While I did not hear much about this issue in my meeting, or in the days following our meeting, I still want to hear from the drug companies on this question. It is a vital one that needs to be addressed, and since they are the experts on this matter, I hope that they will come to me in the next few days with alternative ideas for correcting this injustice. It may well be that there is a better idea than my own. If so, I am anxious to hear it from the drug companies or from anyone else. One company incidentally has already made a constructive suggestion.

Fortunately, I have also heard from several of my colleagues on this idea, and the news is good for American families frustrated by this inequity. Several Republican Senators have committed to supporting my idea and the majority leader has expressed interest. I suggest that this is serious incentive for the drug companies to develop some ideas. Otherwise, I am prepared to introduce my proposal promptly.

Let me be clear that I recognize the importance of biopharmaceutical research. Some of the cutting-edge research going on today may one day open up new avenues of science that will help crack the code of complex human illness and aid in finding treatments and cures for those in need of improved medicine. The United States is the global leader in biotechnology. As we work on proposals to help the American consumer afford prescription drugs, I will be mindful of the fact that we don't want to undermine this important industry.

That said, the current system hurts a lot of people, and leaves a lot of Americans feeling ripped off. The list of those who are discriminated against because of these unfair pricing policies includes the 40 million Americans who are uninsured and those seniors without drug benefits who pay higher prices at the drugstore cash register than just about anyone else in the world. It affects the cost of health care insurance and also is a growing problem for our doctors, hospitals, and nursing homes as more of the total of health care spending is allocated to drug costs.

The other group that gets hurt is the drug companies themselves. Because of these backward pricing policies, the drug companies have become the new ''health care villains.'' In my State, I hear constantly from constituents who rail against the drug companies for charging them hundreds of dollars more than what they would pay in Canada. For years, the drug companies were respected for their innovative products, the risk they were willing to take to improve our health, and the medical advances they created. Those good feelings have been earned, and while they have not been destroyed, that reputation is at risk by the companies' unwillingness to step forward on the pricing issue.

And specifically, their reputation is at risk when they do not speak out loudly against policies that cause harm to their very best customers—American families.

I hope they will speak out. But Congress can no longer allow other countries to get away with policies that force drug companies to discriminate against American consumers by charging dramatically lower prices in Canada and Mexico and thus higher prices here at home. Other countries must pay a fair share of the research and development costs for new drugs. Seniors, the uninsured, and every other American should be able to walk into their neighborhood drug stores and buy the medicines they need at affordable prices.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the time come off the time for general debate of the resolution rather than the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, America's economy is strong. The Nation is enjoying the longest economic expansion in its history, at 107 consecutive months and counting. Last Friday's papers reported that the fourth quarter of 1999 grew at a blistering 7.3 percent, the fastest quarterly rate since 1984. We have the lowest unemployment rate in three decades, and home ownership is at its highest rate—at 67 percent—on record.

As the old saying goes, ''[V]ictory finds a hundred fathers but defeat is an orphan.'' There is an economic corollary: The advocates of hundreds of policies claim to have fathered economic growth, but none admit to have spawned recession.

While certainly several causes contributed to the current economic expansion—among them technological innovation, free markets, and harder- and longer-working workers—there can be no denying that a key contributor to our booming economy has been the Government's fiscal responsibility since 1993.

In 1992, the Government ran a unified budget deficit of $290 billion and a non-Social Security deficit of $340 billion. When President Clinton took office in 1993, the Congressional Budget Office greeted him with a projection that the unified budget deficit would climb to $513 billion in 2001. Instead, CBO now projects that in fiscal year 2001, the Government will run a unified budget surplus of $181 billion and a non-Social Security surplus of $15 billion.

Our responsible fiscal policy means that the Government has borrowed less from the public than it otherwise would have, and indeed has paid down debt held by the public. No longer does the Government crowd out private borrowers from the credit market. No longer does the Government bid up the price of borrowing—interest rates—to finance its huge debt. Our fiscal policy has thus allowed interest rates to remain lower than they otherwise would be, and millions of Americans have realized savings on their mortgages, car loans, and student loans. In this favorable credit market, businesses large and small have found it easier to invest and spur yet more new growth.

But just as victory engenders multiple claims of fatherhood, a surplus seems to breed ready ways to spend it away, and the greatest single threat to that surplus, to responsible fiscal policy, and to the strong economy to which it has contributed is represented by the budget resolution before us today. This budget would spend away all of the non-Social Security surplus in one fell swoop on a massive tax cut plan reminiscent of the early 1980s. The budget would launch this irresponsible tax enterprise before having taken any steps to save Social Security or to reform Medicare or to lock away on-budget surpluses to pay down the debt.

This budget does more than merely portray those tax cuts. This budget resolution would create a fast-track reconciliation vehicle to move that massive tax cut bill through the Congress. As my colleagues know, reconciliation comes with a 20-hour limit on debate, so that no one can debate it at length. Reconciliation bills can pass with a simple majority, so the majority does not have to reach consensus or compromise with others, as the rules of the Senate otherwise require. The reconciliation process prevents bringing up any tax cut that the majority of the Finance Committee does not bring up for us. In terms of real world consequences, the only value of this budget resolution is as a tax cut delivery device.

Sadly, as well, this budget continues the gimmickry of the last few years in connection with the annual appropriations process. We all have seen this pattern before. The budget resolution begins with an unrealistic appropriations level to pave the way for fiscally irresponsible tax cuts. The appropriators try to live within it by using one gimmick after another, and then, at the end of the year, the President and Congress negotiate a final spending package far above the levels originally provided for in the budget resolution.

I am sorry to say, we are well down that road again this year. This budget resolution advertises appropriations levels—at $596 billion—halfway between a freeze and what is needed to fund current services. But the resolution actually gives the Appropriations Committees a much lower level than either of these with which to work. Read the fine print in section 209 of this resolution, in the numbers in function 920, and on page 2 of the committee report. As our ranking member on the Budget Committee, the distinguished Senator from New Jersey has already pointed out, there we find that this resolution actually gives the Appropriations Committee $541 billion, the cap levels for fiscal year 2001. That is $45 billion less than a freeze. What is this?

This is a recipe for gridlock, just like last year, and the year before. This budget resolution simply invites a giant, omnibus appropriations measure at the end of the year, instead of working our way carefully through the 13 regular appropriations measures. This budget resolution invites even more budget gimmickry than last year, in order for the appropriators to live within these unrealistic levels. And it does so simply to advance a tax cut that is too big and would stick our kids with the bill.

I would suggest, this is no way to govern. Rather than playing another year of budget chicken, Congress should work with the President to reach a consensus on fiscal policy. Rather than force a giant train wreck at the end of the year, Congress should work on a responsible budget at the beginning—right now.

Mr. President, regrettably, this budget resolution is yet another missed opportunity. I urge my colleagues to oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 2914

Mr. ASHCROFT. Mr. President, I believe that at this time it is appropriate for me to make remarks about the marriage penalty reduction. I am pleased to have this opportunity. I thank my colleagues for making it possible to have this time scheduled.

Before I begin my remarks, I ask unanimous consent to add Senator SESSIONS as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, the budget resolution before us is a responsible framework for spending. I believe sincerely that Senator DOMENICI has done a superb job in creating this budget. He deserves our praise. His budget will fully protect Social Security over 5 years while balancing the important goals of debt reduction, tax relief, and prudent spending levels.

One of the important goals allowed by this budget resolution is the reduction of the marriage penalty. I rise in favor of the Hutchison-Ashcroft-Brownback amendment calling for marriage penalty relief.

I am happy to report that the relief called for in this amendment should be arriving very shortly. Just today, the Finance Committee filed a plan to increase the marriage penalty relief passed by the House. Some people have referred to this as a tax cut for married individuals. Frankly, I like the way Senator HUTCHISON labels this particular measure. She calls it a tax correction.

This is an effort which is designed to take some of the penalty out of being married. The Finance Committee plan, which the budget resolution anticipates, makes the income brackets for couples in the 15-percent and 28-percent tax brackets double that of single filers. It increases the standard deduction and alleviates marriage penalties in the EITC, the earned-income tax credit, and the AMT, the alternative minimum tax. This plan, passed by the committee, improves upon the initial finance bill which, in turn, improves upon the bill passed by the House.

As a result of these improvements, more people will receive more needed relief from the marriage tax penalty. We need this relief because our Tax Code discriminates against the fundamental societal value of marriage.

I would like to pause for a moment to say how important it is for us to have, as policy in this country, an approach to institutions that are crucial to our success and survival which is nondiscriminatory and not hostile. I cannot think of any institution that means more to the future of the United States of America than the institution of the family. There is very little that could possibly mean more to a family than the potential of having marriages.

When we find ourselves in a setting where the Tax Code of the United States penalizes persons for tying the knot, for becoming committed in the durable, lasting relationship of marriage, we find ourselves in a very sorry state.

We need to provide relief. We need to correct this terrible mistake in our Tax Code which discriminates against the fundamental societal value of marriage. The Tax Code simply must stop penalizing Americans just because they make the right decision and they choose to get married.

Incidentally, this isn't only a penalty on young people. Frequently, this penalty hits older Americans as well. In my home State of Missouri, there are 573,000 couples affected by the marriage penalty in the Tax Code.

This bill is a raise in pay for the 25 million hard-working families nationwide who have been paying a penalty because they have been married. It is time for us to signal to that population that no longer will we take it out on you. Because you have had the honor and the integrity and the foresight and the commitment to each other, and the good will to foster a family, no longer will we penalize you taxwise. In my own State, it will put more money in the household budgets of those half million or so married couples.

We hope to pass this needed tax relief by tax day when millions of Americans feel the tax burden most acutely.

I predict that the President, when he gets this bill, will not veto it. I predict that he will, instead, recognize the need to help keep hard-working moms and dads in a position to provide for their children and not to discriminate against them merely because they are married.

When the time comes, I believe the President will choose to liberate American families from paying an outrageous $29 billion per year fine for being married, for having that durable lasting commitment in our culture.

I look forward to a future in America where men in this country will no longer have to visit an accountant before they ask the woman's father for the daughter's hand in marriage.

I think it is time for us to say we do not want the Government standing between individuals who might otherwise be married and charging a toll that does not just last like the few days of a marriage license but becomes a recurrent toll that, on average, in this country constitutes about $100 a month for married couples who suffer this penalty.

I rise to support this amendment. It is an amendment that should harmonize the Tax Code of the United States with the culture of this country and with the values of this country.

It is outrageous, to say the least, that when couples want to get married they have to pay the equivalent of a tax fine or a tax penalty in order to get married.

We need to have families with durable, lasting relationships. Families are the best department of social services, they are the best department of education, they are the best department of health and assistance that we could ever expect in a culture. They are the core of what our civilization is all about. For us to charge extra to individuals who form these families is simply wrong.

This is a measure which brings common sense to the Tax Code, as strange as that may be. We need more common sense in the Tax Code. We need less of the pernicious discrimination against wholesome, healthy institutions such as marriage.

It is with that in mind that we should work to mitigate the damage imposed on America by the marriage penalty in the tax law. As a result, we have offered this amendment and look forward to its adoption by the Senate, and eventually to its signing by the President of the United States, liberating individuals who deserve to have the resources they earned to support their families left in their hands and not confiscated as a result merely of their marriage by the Federal Government to spend in its programs.

That will be a happy day not only for the married people who will be released from this kind of penalty, but it will be a happy day for this culture because it will signal that, indeed, we favor an institution that means so much to us: long, durable, lasting relationships, through the commitment of marriage, which provides the basis for our best families. It is with that in mind we have sponsored this amendment. I look forward to its adoption.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. The Senator from Nevada is not here, so the Senator from Oregon, Mr. WYDEN, will speak, as if he were next. His time and that of Senator BRYAN will be taken off the Hutchison amendment.

I also ask unanimous consent that following Senator WYDEN and Senator BRYAN, Senator BROWNBACK be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

AMENDMENT NO. 2915

Mr. WYDEN. Mr. President, the Robb amendment on prescription medicine tells senior citizens and families across this country that the Senate is listening to them.

This amendment tells those seniors and all of those families—and I have been contacted by more than 4,000—that getting prescription drug coverage for older people under Medicare is a priority of this Congress and a priority that has to be addressed now. Pass the Robb amendment and you don't get into a situation where, at the end of the session, somebody says, gee, there just wasn't enough time; we just weren't able to address that prescription drug issue; it's too bad, we will have to wait until the next Congress.

I think it is particularly important to pass the Robb amendment now because it builds on the important work, the important progress that was made in the Budget Committee.

I particularly commend my colleague from Oregon in the chair today, Senator SMITH, and also Senator SNOWE, for their courage. The two of them have worked with me and others for more than 15 months as a result of the concern of older people. We thought it was time to come together on a bipartisan basis and get this relief for older people now.

I have come to the floor more than 25 times in the last few months to describe the problem of seniors who are supposed to be taking three pills but they can only afford two. They are breaking their Lipitor capsules—the ones that help lower cholesterol and various blood pressure problems—in half because they can't afford their medicine.

So in the Budget Committee, as a result of the work of my colleague from Oregon, Senator SMITH, and Senator SNOWE, we have made a good bipartisan start. We locked in $40 billion to spend on prescription drugs, and we said there was a sense of urgency because the Senate Finance Committee ought to act on or before September 1, and if they didn't, it would be possible to come directly to the floor of the Senate and bring this issue up so that the American people could see who was on the side of covering prescription drugs for older people.

The older people, right now, get shellacked twice. Medicare isn't covering these important therapies. There is not a specialist in health care, Democrat or Republican, who would not offer this coverage if they were reinventing Medicare today. But in addition to not getting coverage, those older people and their families are subsidizing the big buyers. If you are in a small pharmacy in rural Oregon or rural Minnesota, or in another community across this country, in effect, if you don't have prescription drug coverage, you are out there subsidizing the big buyers, the health maintenance organizations and the health plans that do.

So the start we made in the Budget Committee by making sure there would be an adequate amount of money to put this program in place, to make sure we had a timetable to get the job done, so that Congress could not duck this issue and would have to see action by the Finance Committee or face the prospect early this fall of dealing with it on the floor of the Senate—that progress in the Budget Committee is something we would build on with the Robb amendment.

The Robb amendment makes it very clear that Congress cannot duck this issue, and budgets are about more than numbers; they are about more than charts and graphs and cold figures. The Robb amendment reflects the hopes and aspirations of our seniors and our working families—the ones my colleague and friend, Senator SMITH, and I have met at townhall meetings who came to us and told us, as so many seniors have said to me: I cannot make ends meet. My Social Security went up by only a little bit, and my prescription drug bill went up hundreds of dollars during that period of time.

The Robb amendment says that we have been listening to those older people; that we understand this issue is a priority for them, this issue is so important that Congress is not going to go home until it has been addressed. I was very proud of what was done in the Budget Committee. I think my colleague from Oregon and Senator SNOWE, because of the many discussions we had, were under a tremendous amount of pressure when that discussion came up because it was a very tense moment.

I think my colleague from Oregon said it well, and the Robb amendment reflects this also: This is time to be on the right side of history. This is time to revolutionize American health care. In effect, the revolution in American health care has bypassed the Medicare program. These medicines today help older people stay well. They help folks lower their blood pressure and cholesterol. Now we have a chance, using competitive marketplace principles, to come together and put this program in place.

Senator DASCHLE has emphasized in talking to me on almost a daily basis how he wants to bring the Senate together on this issue. The chairman of the Budget Committee was very patient in working with us as we tried to deal with this issue in committee. The Robb amendment compliments those efforts, builds on those efforts by making it clear that Congress should not leave for this session until we have put this important program in place.

For the older people of this country who average 18 prescriptions a year, 20 percent of whom spend over $1,000 a year out-of-pocket on their medicines, when they see the Robb amendment get passed by the Senate, they will say, finally, Congress is listening to us. My friend and colleague from Oregon and I have had the experience where seniors brought their bills to us at these sessions. When we pass the Robb amendment, we will make it clear to those seniors and working families that we have heard them. There is not a specialist in the health care field, Democrat or Republican, who now doesn't believe that prescription drugs ought to be part of this program. This is a chance to revolutionize American health care, to concentrate on keeping people well.

Just one brief example: If we can get anticoagulant medicines covered for older people, which is something the Robb amendment would make possible, it might cost $1,000 a year for seniors to get help with that medicine, and we could end up saving $100,000 in costs incurred by Part A of Medicare, the hospital program, when an older person suffers a stroke because they could not get their medicine on an outpatient basis.

I am going to wrap up by describing what really brought this problem home to me and my friend from Oregon, Senator SMITH. We have been to Hillsboro in our State many times. Recently, I got a letter from a physician in Hillsboro who told me he had to put a senior citizen in a hospital for 6 weeks because that older person could not afford their medicine on an outpatient basis. When the physician in Hillsboro, in our home State, put the older person in the hospital, they were able to get help under Part A of Medicare, the hospital portion of the program. But the Government could have saved money with the effort that is behind the Robb amendment and what we tried to start in the Budget Committee. We could have gotten help for that senior in Hillsboro, OR, in a most cost-effective way, more quickly, and in a way that would have left the older person more comfortable because they would have been in the community rather than in a hospital.

So I only ask, as we continue this debate—and I gather it will go into tomorrow—that we focus on building on the progress that was made in the Budget Committee, to a great extent because two of my colleagues, Senator SNOWE and Senator SMITH, showed real courage in working with us. If we pass the Robb amendment, we build on that important progress and again demonstrate to the older people and the working families of this country we are listening to them.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise in strong support of the amendment offered by Senator ROBB, the effect of which would be to tie the consideration of any tax cut to enactment of legislation to provide a prescription drug benefit under the Medicare program.

For many in the viewing audience, this process may seem obscure and convoluted, but the budget is really an opportunity for us as a party and as individuals to make the case in terms of our priorities. We have a fundamental philosophical difference with our friends on the other side of the aisle who have offered a majority resolution which, in my judgment, does not reflect the priorities of the country.

In my view, our priorities ought to be to reduce the national debt. We have made enormous progress in the last 3 years. We have an opportunity to continue that progress.

Parenthetically, virtually every economist, as well as the Chairman of the Federal Reserve Board, has made the case to us in the Finance Committee, on which I am privileged to serve, in the Banking Committee, and generally before other committees in this Congress, that the most important thing we can do is to reduce the national debt. But I believe it is entirely

appropriate to take some of that surplus and provide a prescription drug benefit.

The budget resolution before us offered by the majority would dedicate 98 percent of that surplus to finance tax cuts. In my view, that is not an appropriate priority. The priority, in my judgment, is to provide a Medicare program with prescription drug benefits.

In 1956, when Lyndon Johnson and Congress enacted Medicare, it reflected a comparatively contemporary program. Prescription drugs were not a major part of the health care of Americans. Today, nobody would argue, if we were adopting Medicare, that it should exclude prescription drug benefits. Older Americans deserve the same benefits of modern science the rest of us enjoy.

Prescription drugs are frequently the best and indeed the only way to treat many of the diseases faced by the elderly. They have become an integral part of the health care system—every bit as important as doctor visits, hospital stays, and other health care services. Yet many seniors don't have prescription drug coverage, and most of those who do often have inadequate coverage. Thirty-four percent have no coverage at all—more than one-third of those on Medicare have no prescription drug coverage at all. And another 42 percent lack meaningful coverage. By that we mean the benefit is so modest, it still requires a substantial amount of out-of-pocket dollars to purchase the prescriptions which their physicians have prescribed for them.

Many beneficiaries have chosen managed-care plans for access to drug coverage. What is occurring is most destructive: 325,000 beneficiaries lost their HMO coverage this past year. For those who have not lost it in its entirety, many are left with very skimpy plans. Seventy-five percent of Medicare HMOs will limit coverage to less than $1,000 this year, and 32 percent have imposed caps of less than $500. That is not meaningful coverage.

With 22 million beneficiaries spending more than $500 annually on prescription drugs, and drug costs topping $9,000 for those seniors with cancer or chronic diseases such as diabetes and heart disease, the current HMO coverage can hardly be considered adequate by any standard.

Retiree coverage and Medigap are frequently no better. Retiree coverage is declining dramatically, and Medigap policies are out of reach for many seniors, with premiums averaging $1,360 a year. Indeed, in some States premiums greatly exceed that. For example, a 75-year-old Mississippian faces a Medigap premium of $2,379. That is a lot of money. Most beneficiaries do not have the ability to pay that.

Over half of the Medicare beneficiaries without prescription drug coverage are in the so-called middle class. I think it is important to note what we are talking about by ''middle class.'' That is a couple earning greater than $17,000 annually. I don't think anyone would conclude that $17,000 of total annual income for a couple is adequate, and few I think would consider themselves securely entrenched in the middle class if they were making $17,000 a year combined. This is yet another reason we need universal coverage—a policy that is affordable with Medicare prescription drug benefits.

Medicare is an extremely popular program. Prior to 1965, seniors faced a great deal of uncertainty when they needed medical care. The private sector had not responded by providing adequate, affordable insurance options, and indeed almost all of the elderly in America in 1956, 35 years ago, before the enactment of Medicare, had no coverage at all. They were uninsured.

With the creation of Medicare, we made a promise to our seniors that they would have affordable, adequate health care coverage.

While the program has been immensely successful, Medicare today is in need of reform both to strengthen and to modernize the program. We have fallen behind in our commitment to those promises. We are once again faced with a situation in which the private sector has not provided adequate, affordable insurance options for prescription drugs, and three-fourths of the Medicare beneficiaries lack meaningful drug coverage.

The addition of an affordable, universal Medicare prescription drug benefit is only one step necessary in reforming the program, but it is a crucial step. Medicare prescription drug coverage is necessary to update the program and to keep pace with the times. It is critical to keep our promise—access to necessary care and protection from financial ruin—to the Nation's Medicare beneficiaries.

If we were creating Medicare today, no one would suggest we should create a program without a prescription drug benefit. Anyone who votes against this amendment will need to explain to his or her senior constituents why we, as Senators, have a prescription drug benefit but the more vulnerable seniors among us do not.

It is critically important for this Congress to provide prescription drug benefits. We have the opportunity to do so. We have the circumstances with respect to the budget that will permit us to follow our priorities of reducing the national debt and providing a prescription drug benefit as well. We should do so, and we should do so this year.

I thank the Chair.

I yield the floor.

AMENDMENT NO. 2914

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you very much. I thank my colleague from Nevada for his comments.

I want to address the Hutchison amendment. I ask that my time be charged to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise today to speak on the issue of the marriage penalty. And to speak in support of the pending amendment to the budget resolution offered by myself and by my colleagues, Senator KAY BAILEY HUTCHISON, and Senator JOHN ASHCROFT.

I have addressed this issue often, and I think Senators are familiar with it. This is a sense-of-the-Senate resolution.

Our sense-of-the-Senate is simple. It simply states that the Congress should pass marriage penalty tax elimination legislation that begins a phase-out of this penalty in 2001. That the marriage penalty tax legislation considered does not discriminate against stay at home spouses and that the Congress should consider this legislation before April 15, 2000.

In our resolution, we note that the marriage penalty tax affects nearly half of married couples in America.

I have a chart behind me that enumerates some of those States hit by the marriage penalty tax. You can see Kansas with 259,904; in Oregon, 329,289 couples. That is times two-plus frequently because they will have children.

We just heard from the Senator from Nevada—146,142 in that category.

You can see this is a broad-based tax, a broad-based penalty. This penalty needs to be eliminated. It is time we do it. We have the chance to do that now in this body within the next couple of weeks. I hope it doesn't get hijacked by partisanship. I hope that can be avoided so we can move on.

I applaud the chairman of the Finance Committee, Chairman ROTH, for his important work on this legislation. Last week, they considered and passed a bill providing important marriage penalty tax relief to millions of the families suffering under this. They only provide this relief in some narrow areas because the marriage penalty is throughout the Tax Code in about 66 different places. We do not get it all. We do get at key ones.

First, the standard deduction. We get 59 in that area of the marriage penalty. This year, for single taxpayers it is $4,400. However, for a married couple filing jointly, the standard deduction is only $7,350. Our bill is simple, clear, and fair: doubling the standard deduction, making it $8,800 for married couples filing jointly. This change begins for filers in 2001.

Second, our bill widens the 15-percent tax bracket. Under current law, the 15-percent bracket for a single taxpayer ended at an income threshold of $26,250; for married couples, it is $43,850, less than double. If our bill were fully phased in this year, the 15-percent bracket would extend upward to an income of $52,500. In other words, it doubles the 15-percent bracket. Whether single, or married and filing together, taxpayers get the same total amount that fits under the 15-percent bracket. Again, it seems fair and equitable to do it that way.

Third, our bill applies the same principle of bracket widening to the 28-percent bracket as I enumerated and listed in the 15-percent bracket.

Fourth, our bill increases the phaseout range for the earned-income tax credit. This is another way that most people do not realize that the marriage penalty is impacting couples. The low-income families with children can incur a significant marriage penalty because of current limits on the earned-income tax credit. If both spouses work, the phaseout of the EITC on the basis of their combined income can and does lead to the loss of some or all of the EITC benefits to which they would be entitled as singles. Our bill works to begin fixing this problem, as well. Our bill helps families at all income levels.

Finally, our bill permanently extends the provision that allows the personal nonrefundable credits to offset both the regular tax and the minimum tax.

That is the nuts and bolts. I think the best way to talk about the marriage penalty is from people who contact my office and write in, the people I meet with who talk about the marriage tax penalty. They are fed up with it. They don't see it as fair; it doesn't make sense. They wonder why on Earth their Government penalizes them for the privilege of being married; Isn't it tough enough without this?

Listen to some of the letters I have received. They are clear in asking: Why am I being penalized for being married?

TOPEKA, KS.

DEAR SENATOR BROWNBACK, I am a college student at Washburn University. My girlfriend and I have been thinking about getting married for several months.

As part of the planning we went through our finances. I checked our taxes and found that if we were married this year, we would have paid $200 extra in Federal taxes.

Granted that may not sound like much, but at $9 and change an hour, $200 is a lot of money.

I calculated how much we could be making in a few years and found that we will pay $600 more for being married than just shacking up.

Basically, we have to pay $600 for the privilege of being married.

I always thought the government tried to reward constructive, positive behavior through the tax code, but it is punishing one of the most socially stabilizing behaviors, marriage.

We don't think we or anybody else should be punished for being married and hope you can do something about it.

DAVID.

DEAR SENATOR BROWNBACK: I am writing to express my support for The Marriage Tax Elimination Act recently passed in the House of Representatives and to urge you to vote in support of this measure when it comes to the Senate.

This legislation would address a serious inequity in current tax law by eliminating the disparity that exists with respect to the total ''standard deduction'' allowed two married taxpayers versus the total ''standard deduction'' allowed two single taxpayers. Tax policy should not discriminate either in favor of or against two individuals with respect to their decision to be married (or not be married). Rather, the same total itemized deduction amount should be allowed married taxpayers who choose to file jointly as two individuals who file separately.

Thank you for your attention to this matter.

Sincerely,

MARK.

That is basic and makes pretty good sense.

Another letter:

DEAR SENATOR BROWNBACK: I would like to thank you for expressing your ideas and opinions on the marriage penalty tax to the senate on behalf of the Kansas taxpayers.

Doubling the standard deduction for married couples, and doing so as quickly as possible, lessens the blow with which nearly 21 million couples are hit every year. I have seen many people struggle with their taxes each year and I am writing on behalf of these people to recognize you for your tremendous effort to make their lives easier.

I have a number of letters from different individuals. Any Member in this body checking their e-mail inbox will find the exact same thing. People know about the tax and don't think it is fair and we cannot explain why it is right because it isn't right.

It is time we do away with this penalty. We have a chance this week to pass the budget resolution and to send a sense-of-the-Senate resolution to the rest of the body next week to pass this bill. This is only a prelude to next week when we get a chance to actually pass the elimination of the marriage penalty.

I call on my colleagues to support this underlying resolution by Senator HUTCHISON from Texas, Senator ASHCROFT, and myself, and next week to vote in favor of eliminating the marriage penalty. It is time to do it.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. KYL. Mr. President, I will comment briefly on the budget resolution generally, but I also recognize Senator HUTCHISON, primarily, and many others who have been working a long time for the repeal of the marriage penalty which this budget accommodates.

We will have a historic vote in the Senate tomorrow morning. I think our leadership—the Senator in the Chair, the Senator from Texas, and many others—deserves a lot of credit for bringing to fruition our efforts to eliminate this marriage tax penalty. I think tomorrow, as a result, will be a historic day.

The budget resolution that we began considering will result in a balanced Federal budget now for the third year in a row. As in the budgets of the past 2 years, it will also balance the budget without relying on one dime of the Social Security surplus. The last time Congress balanced the budget 3 years in a row without raiding the Social Security trust fund was in the period of 1947 to 1949. Again, I think this will be a historic year.

It is worth recalling where we were only 5 short years ago, to put this in perspective. At that time, President Clinton, after shepherding through the largest tax increase in the history of our country, sent Congress a budget in 1995 that would have spent every penny of the Social Security surplus and still left annual deficits stuck at about $200 billion for the foreseeable future. That includes this year. In other words, the Clinton tax increase of 1993 only paid for new spending. According to the President's own budget in 1995, it did not bring and never would bring the budget even close to balance.

The Clinton budget of five years ago projected a deficit that would have amounted to roughly $289 billion this year alone. not counting Social Security. I recall that the Senate unanimously rejected this proposal on May 19, 1995. Congress then went on to chart a different course, and, as a result, we managed to balance the budget, protect the Social Security surplus, begin paying down the public debt, provide modest tax relief, and free up additional resources to devote to other national priorities, like health care, education, and defense. Balance was even achieved four years earlier than initially anticipated under the alternative budget we adopted in 1995.

But there is still much to do. The resolution reported by the Budget Committee builds upon past progress by ensuring that we will protect the entire $976 billion surplus that is expected to accrue to the Social Security trust fund over the next five years. Setting this precedent against using the Social Security surplus for other things is perhaps Congress' greatest accomplishment during the last two years.

The FY2001 budget would cut the public debt by an additional $184 billion in fiscal year 2001, and by nearly $1 trillion over the five-year period. It would accommodate a modest amount of tax relief—$13 billion next year—still leaving over $2 trillion flowing to the Treasury. After accounting for the proposed tax relief, non-Social Security surpluses would still amount to $8 billion next year and $20 billion over the next five years.

Let me stop for a moment to discuss taxes more fully. According to the nonpartisan Tax Foundation, the total tax burden dipped slightly in 1998. That's the good news. The bad news is that Americans still spent more on federal taxes than on any of the other major items in their household budgets. For the median-income, two-earner family, federal taxes amounted to 39 percent of the family budget—more than what they spent on food, housing, and medical care combined.

According to the Tax Foundation, the total tax burden is still very high in historical terms. In 1955, the total tax burden was about 17.9 percent compared to the 39 percent it totalled in

1998. The largest growth occurred in payroll taxes, and state and local taxes. Adjusting for inflation, the total of all taxes paid by the two-earner family in 1998 was 4.9 times greater than in 1955.

These year-to-year comparisons provide a useful gauge, but ultimately, the goal should be to set tax rates as low as possible after the federal government has met its obligations. The substantial surpluses that are projected alone suggest that we can and should provide additional tax relief.

Another observation: According to Census Bureau data, the labor-force participation of married women, as a proportion of all married women, has nearly tripled from 23 percent in 1951 to 62 percent in 1997. Some of that increase, no doubt, can be attributed to women pursuing their career goals, and that is a good thing. We want our mothers, wives, and daughters to pursue their dreams and fulfill themselves in the workplace. But I suspect that a good part of the increase can also be attributed to the need for many families to earn extra income to pay their bills, including their tax bill.

More people in the labor force means that tax rates do not have to rise substantially to produce more revenue for the government. But when more families have to have two wage earners because they cannot make ends meet, no one is left home with the kids. That is not such a good thing. providing tax relief will give more families the choice and opportunity to have one parent stay home to raise the children.

As for defense, the increase allowed in the Committee budget is certainly not enough to repair the harm done by the Clinton Administration's underfunding in previous years, but it builds upon the start we made last year.

Since the fall of the Berlin Wall 10 years ago, the strength of our nation's military forces has shrunk from 2.1 million to slightly under 1.4 million active-duty troops. Spending on the military has declined 29 percent since 1989, while spending on almost all other areas of government has gone up. Defense spending has shrunk at the same time that our military has increasingly been called upon to carry out global peacekeeping, domestic disaster relief, the war on drugs, and other less traditional missions.

While many of these objectives are important, they are often pursued without regard to the wear and tear they inflict on our troops and equipment. If we continue to simultaneously increase demand on our forces and cut their budget, we will leave our country vulnerable to potential aggressors. Indeed, according to a review conducted last year by the Pentagon, the U.S. could not today muster a force equal to that which won the 1991 Persian Gulf War so rapidly and decisively.

Last year, Congress reversed this trend by approving an $18 billion increase in defense spending to: improve the pay and benefits necessary to attract and keep qualified people in uniform; purchase badly needed new equipment, spare parts, and maintenance; improve training; and defend the United States from the growing threat of ballistic missile attack. Yet even this increase merely kept defense spending on pace with inflation.

So the Budget Committee's recommendation to put more money toward defense in this next budget represents a step in the right direction and a good effort to set priorities.

The Committee identified other high priorities, as well, and recommended allocating significant increases toward them. For example, the Committee budget would fund education at a level that is $13 billion higher than last year—$600 million more than the President requested. It would increase spending on veterans health by $1.1 billion, and provide a like increase for the National Institutes of Health for medical research. It would reserve $40 billion over five years for a new Medicare prescription drug benefit. These are things the American people are telling us are most important to them and they want funded. We do that, in this budget.

Of course, providing these increases in high priority areas will mean that spending on other, less important activities will have to be restrained. But unless we want to return to the days when Congress raided Social Security to pay for other programs, or to the days of big budget deficits, prioritizing spending is key. We have come too far to abandon the discipline that has finally restored some order to the budget process.

I will conclude by talking just briefly about one other aspect of this resolution. To ensure that we ultimately do what we say is intended here, the budget includes some important enforcement provisions. It would establish a 60-vote point order—that is, it would effectively require a supermajority vote to run an on-budget deficit and thus make it harder to raid Social Security in the future. It would similarly require a supermajority vote to declare spending as an emergency that is exempt from spending limits. It would establish a firewall to ensure that we abide by spending limits for defense and non-defense activities. And finally, it would make it much harder to shift appropriations into future years in order to avoid current-year spending limits.

I commend the Chairman and members of the Budget Committee for their work on this resolution, and particularly acknowledge the work of Senators GRAMM, NICKLES, GREGG, and GRAMS, who helped hold the line on spending and ensure that many of the budget gimmicks employed by Congress and the President in recent years were not employed again. As a result of their efforts, I think we have a much better budget.

I urge support for this spending plan.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, might I ask what the subject matter is?

Mr. KERREY. Nuclear weapons, the Senator's favorite subject.

Mr. KYL. I have no objection.

The PRESIDING OFFICER. Without objection.

Mr. KYL. Mr. President, might I ask the indulgence of the Senator from Nebraska to read some brief remarks for the leader regarding the remainder of the day?

Mr. KERREY. I am pleased to yield the floor.

MORNING BUSINESS

Mr. KYL. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIRNESS IN ASBESTOS COMPENSATION ACT

Mr. LOTT. Mr. President, I have been asked whether I intend to call up for consideration on the Senate floor legislation that has been introduced in the Senate with respect to asbestos. After conferring with the chairman of the Senate Judiciary Committee, and the chairman of the subcommittee with jurisdiction of this issue, it is clear that a markup has not yet been scheduled, and that extensive work would be needed before the bill is ready for Senate floor action. I have also conferred with the sponsor of the bill who informs me that since the bill was introduced, the consensus regarding this legislation, S. 758, between industry, the plaintiffs, and other concerned parties, and among industry itself, appears to have deteriorated substantially. This bill is not ready for Senate floor action. The Senate will soon be occupied with budget, appropriations, tax and other legislation. For these reasons, and in all candor, the necessary floor time will not be available to act on the Senate asbestos bill this year.

Mr. ASHCROFT. Mr. President, I appreciate the majority leader's comments and candor on this issue.

Last year I introduced S. 758, the Fairness in Asbestos Compensation Act in response to two Supreme Court rulings urging Congress to act on national legislation that would fairly and efficiently compensate victims of asbestos. As U.S. Supreme Court Justice David Souter wrote for the court in Ortiz versus Fibreboard: ''The elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation . . . to date Congress has not responded.''

It was my hope that this bill could serve to bring all parties together to

solve this issue. It is now clear, however, that this bill will not move in its current form. As I mentioned to the majority leader, the consensus regarding S. 758 between industry, the plaintiffs, and other concerned parties, and among industry itself, appears to have deteriorated substantially since S. 758 was introduced.

It is also clear that there is virtually no time in the Senate to consider this bill this year. The Senate has a target adjournment date of October 6 this year. Before adjourning, the Senate will work to repeal the Social Security earnings limit, repeal the marriage tax penalty, pass agriculture sanctions reform to open markets for American farmers and ranchers, timely pass the budget and 13 separate appropriations bills, reauthorize the Elementary and Secondary Education Act, give final approval to legislation to combat the methamphetamine crisis, and adopt legislation to protect Social Security. These issues will take up my time this year. And these issues are just a partial list of the ambitious agenda for the year.

In light of this situation, and the fact that the House appears to be taking a different approach entirely, I appreciate the majority leader's candid assessment of the legislative prospects for this bill. Because it serves no purpose to represent that S. 758 will pass or be acted upon this year or in the future, I appreciate the remarks of the majority leader.

TRIBUTE TO COLONEL TYLER H. FLETCHER

Mr. LOTT. Mr. President, today I rise to pay tribute to an extraordinary citizen and public servant who has dedicated his life to the noble endeavor of law enforcement and the edification of those committed to this distinguished profession. Tyler H. Fletcher of Hattiesburg, Mississippi, exemplifies the qualifies of honor, courage, dedication, and service that reflect the outstanding character of this former colonel in the United States Army Military Police. With the retirement of Colonel Fletcher on Friday, April 7, 2000, I express my highest gratitude to him for over 50 years of service and leadership to the United States of America.

As an officer in the United States Army Military Police, Colonel Fletcher was recognized with the Police Medal of Honor from the Republic of South Vietnam, three Legion of Merit awards, the Bronze Star, an Army Commendation, and four Meritorious Unit Citations. After retirement from the Military Police in 1971, Colonel Fletcher continued his exemplary service as associate professor and chairman of the department of criminal justice at the University of Southern Mississippi, garnering the distinction of Who's Who in American Law Enforcement in 1978 and the Excellence in Teaching Award in 1980.

Colonel Fletcher's extraordinary accomplishments in the professional arena are matched only by his dedication to the service of his fellow Americans. He has greatly contributed to the field of law enforcement by authoring numerous books and articles on the subjects of correctional administration, juvenile justice, and community policing. He is a pioneer in his research into areas of police education, crimes against the elderly, and victims of crime in Mississippi. He is a leader in his field as an active contributor to the National Society of Police and Criminal Psychology, the Mississippi Association of chiefs of Police, the International Association of Chiefs of Police, the National Council on Crime and Delinquency, the Disabled Americans Veterans, and the Mississippi Corrections Officers Association.

Mr. President, the distinguished career of Colonel Tyler H. Fletcher associates him with the best of the best in the United States, surpassing the accolades of personal accomplishments and awards only with the gift of inspiration to future leaders and former colleagues. Colonel Fletcher is a great American, and his service to his country, his profession, and his fellow man serves as the benchmark by which we all should hope to achieve.

JOSEPH ILETO POST OFFICE

Mrs. FEINSTEIN. Mr. President, I am very pleased that yesterday the Senate unanimously passed a bill I introduced to name a United States Post Office after Joseph Santos Ileto. He was the U.S. Postal Service employee of Filipino descent who was brutally gunned down last August by the same man who opened fire on the North Valley Jewish Community Center. This bill designates the new post office located at 14071 Peyton Drive in Chino Hills, California as the ''Joseph Ileto Post Office.''

Joseph Ileto's death on the job exemplifies the ultimate sacrifice of public service. He served our nation with honor and will be remembered by his family, friends, and community as a kind-hearted man who touched many lives. Despite the tragedy of his death, we can take comfort in knowing that Joseph's life will continue to touch others.

By passing this bill, Congress recognizes the urgent need to address and condemn hate crimes and racism. Dedication of the newly constructed post office in Joseph's hometown is the very least we can do to honor a man who gave his life to his country. The companion legislation, sponsored by Congressman GARY MILLER, has already passed. It is my hope that the bill will be signed into law expeditiously.

THE FLAG DESECRATION ACT

Mr. FRIST. Mr. President, in less than a month's time, we will celebrate the first Memorial Day of the second millennium, our first opportunity in this new century to honor and salute the men and women who, through the decades, have sacrificed so gallantly to keep us free. It will be our first opportunity to thank them publicly for the sacrifice they made, the pain they suffered, and the trauma they endured to ensure that the flame of freedom would never be extinguished.

Each and every one of those patriots, Mr. President, those who died, those who returned, and those we are blessed to still have with us, shouldered squarely the highest responsibility of citizenship; remained dedicated to the survival of our Nation; were willing to pay the highest price to preserve peace and freedom. And they risked it all under the one symbol that summed up their strength and sharpened their courage—our bright banner of red, white, and blue.

We are a Nation of images and symbols, but that's not a 21st century phenomenon. It has always been so. Throughout our history, we have been captivated by scenes that seem to capture all the emotion of a particular event—George Washington's winter encampment at Valley Forge, Robert E. Lee's last ride to Appomattox along a path lined by ranks of Union troops standing at attention, JFK's funeral cortege making its way to Arlington across the Memorial Bridge.

But the most poignant image of all—the one that will live forever in the hearts and minds of all Americans—is the image of a handful of Marines braced against a whipping Pacific wind, raising the American flag over Iwo Jima.

That symbol of freedom that flies over the dome of the building in which we now stand, that adorns the flagpoles of our schools and communities, that graces the windows and doorways of our homes, that is draped in silent tribute over the coffins of our dead—that symbol deserves our protection.

It should not, under any—any—circumstances be desecrated. And that is why I support an amendment to the U.S. Constitution to ensure that this is so.

The Constitutional Amendment proposed by this resolution is surprisingly simple—astoundingly simple when compared to anything that emanates from Washington these days. It does not dictate a particular course of action to the states. It does not threaten the separation of powers. It does not set a complex set of rules and regulations that require a team of lawyers to interpret. It does not change the integrity of the Constitution. And it does not cost the taxpayers one cent. The entire amendment is contained in a single sentence: ''The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.''

To those who maintain that this amendment would be a violation of First, I quote perhaps the greatest proponent of First Amendment freedoms, Supreme Court Justice Hugo Black, who stated, ''It passes my belief that

anything in the Federal Constitution bars making the deliberate burning of the American flag an offense.'' Let me repeat: ''It passes my belief that anything in the Federal Constitution bars making the deliberate burning of the American flag an offense.''

Let us not let one more Memorial Day pass without clarifying and codifying that protection. Let us not let one more soldier, sailor, airman or marine nobly and unselfishly risk his life without honoring him and the ideals for which he is willing to die, without protecting the most sacred and visible symbol of his freedom.

Let us not let one more minute pass, without enacting into law, and sending to the states, this amendment to protect the flag under which so many—so many—were willing to, as one soldier-poet put it, ''taste death in youth so that Liberty might grow old.''

Mr. CHAFEE. Mr. President, last week the Senate engaged in an emotionally charged debate about one of our nation's most precious and beloved symbols, the flag. American history is rich with examples of the significance of our flag. Francis Scott Key's lyrics equate our ''star spangled banner'' with the essence of our national identity, ''the land of the free and the home of the brave.'' Betsy Ross is known to school children from the Aleutian Islands to the Florida Keys as the woman who painstakingly sewed our first flag. Many Senators referred to the raising of the flag by a handful of beleaguered, yet still brave, Marines on Iwo Jima. And who among us will ever forget the sight of Neil Armstrong planting the flag on the moon as he took that giant step for mankind. During the Judiciary Committee's hearings on S.J. Res. 14, the proposed Constitutional Amendment to protect the flag, Senator MCCAIN told of a fearless POW who fashioned a flag from scraps of material. Each night under threat of torture, an extraordinary group of prisoners displayed the makeshift flag and renewed their commitment to democracy and their courage to withstand a barbarous imprisonment.

As children, we started each day with our hands respectfully pressed to our hearts as we recited the pledge of allegiance. As Senators, we start the day in much the same manner, renewing our respect for this visible symbol of democracy.

Unlike Senator MCCAIN and Senator BOB KERRY, some of us have not served our country in the military. Our national pride, our fundamental courage, our commitment to country has not been tested on the battlefield, but just a few months ago, I stood in the well of this Chamber and, as my wife held the Bible on which my left hand rested, I swore to uphold the Constitution. The Constitution is the document that provides each citizen with broad rights. It doesn't fly majestically in front of government buildings. We do not pledge allegiance to it each day. Yet, it is the source of our freedom. It tells us that we are free to assemble peacefully. We are free to speak and publish without fear of censorship. We are free to worship without interference; free from unlawful search and seizure; and free to choose our leaders. It is these freedoms that define what it is to be an American.

In its more than 200 years, the Constitution has been amended only 27 times. With the exception of the Eighteenth Amendment which was later repealed, these amendments have reaffirmed and expanded individual freedoms. This Resolution would not have expanded our rights. This Amendment, instead, would limit individual freedom.

As I think about this effort to amend the Constitution, I cannot help but conclude that in a free society, respect cannot be mandated. It springs from the heart. Furthermore, it seems ironic that the Senate would endeavor to protect this symbol of freedom by acting to limit the very freedom it represents.

I am gratified to know that Senator BOB KERREY, the only Member of the Senate who holds the Congressional Medal of Honor, and General Colin Powell, a living symbol of patriotism, also oppose this Resolution.

My heartfelt belief that this is the wrong approach was shaped by a man whose life was spent in a passionate struggle to protect and conserve the Constitution in the face of menacing threats. The early Twentieth Century was marked by World War I and by the Bolshevik Revolution, a time in world history during which the ''Red Scare'' was very real. Zechariah Chafee, a young Harvard Law professor and civil libertarian, wrote eloquently about ''Freedom of Speech in Wartime.'' Zechariah Chafee argued that even during wartime the freedom of speech guaranteed by the First Amendment must be upheld. He wrote, ''[A] provision like the First Amendment to the federal Constitution is much more than an order to Congress not to cross the boundary which makes the extreme limits of lawful suppression. It is also an exhortation and a guide for the action of Congress inside that boundary. It is a declaration of a national policy in favor of the public discussion of all public questions.'' My great uncle had the courage to stand up for our Constitutional rights during a time of extremely high emotions in our national history. I am inspired by his example to defend that which separates this nation from all others—our freedoms.

NATIONAL ESTUARY CONSERVATION ACT

Mr. TORRICELLI. Mr. President, today, I rise to commend the Senate for passing, last Thursday, S. 835, the Estuary Habitat Restoration Partnership Act. Section 12 of this legislation is taken from legislation that I introduced, S. 878, with Senators BOXER, GREGG, MACK, GRAHAM, KENNEDY, LIEBERMAN, MOYNIHAN, REED, FEINSTEIN, KERRY, MURRAY, and SARBANES.

Today our nationally significant estuaries are threatened by pollution, development, or overuse. With 45 percent of the Nation's population residing in estuarine areas, there is a compelling need for us to promote comprehensive planning and management efforts to restore and protect them.

Estuaries are significant habitat for fish, birds, and other wildlife because they provide safe spawning grounds and nurseries. Seventy-five percent of the U.S. commercial fish catch depends on estuaries during some stage of their life. Commercial and recreational fisheries contribute $111 billion to the nation's economy and support 1.5 million jobs. Estuaries are also important to our nation's tourist economy for boating and outdoor recreation. Coastal tourism in just four states—New Jersey, Florida, Texas, and California—totals $75 billion.

Due to their popularity, the overall capacity of our nations's estuaries to function as healthy productive ecosystems is declining. This is a result of the cumulative effects of increasing development and fast growing year round populations which increase dramatically in the summer. Nowhere is this more pronounced than New Jersey. At Barnegat Bay, the population doubles in the summer months.

Land development, and associated activities that come with people's desire to live and play near these beautiful resources, cause runoff and storm water discharges that contribute to siltation, increased nutrients, and other contamination. Bacterial contamination closes many popular beaches and shellfish harvesting areas in estuaries. Also, several estuaries are afflicted by problems that still require significant research. Examples include the outbreaks of the toxic microbe, Pfiesteria piscicida, in rivers draining to estuaries in Maryland and Virginia.

Congress recognized the importance of preserving and enhancing coastal environments with the establishment of the National Estuary Program in the Clean Water Act Amendments of 1987. The Program's purpose is to facilitate state and local governments preparation of comprehensive conservation and management plans for threatened estuaries of national significance. In support of this effort, Section 320 of the Clean Water Act authorized the EPA to make grants to states to develop environmental management plans. To date, 28 estuaries across the country have been designated. However, the law fails to provide assistance once plans are complete and ready for implementation. Already, 22 of the 28 plans are finished.

As the majority of plans are now in the implementation stage, it is incumbent upon us to maintain the partnership the Federal government initiated ten years ago to insure that our nationally significant estuaries are protected. S. 835 will take the next step by including language from S. 878 that will give EPA the authority to make

grants for plan implementation and authorize annual appropriations in the amount of $25 million. I am also hopeful that when this bill goes to conference, this authorization can be increased to $50 million. With such an increase areas will be able to upgrade sewage treatment plants, fix combined sewer overflows, control urban stormwater discharges, and reduce polluted runoff into estuarine areas.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 3, 2000, the Federal debt stood at $5,750,620,100,381.36 (Five trillion, seven hundred fifty billion, six hundred twenty million, one hundred thousand, three hundred eighty-one dollars and thirty-six cents).

Five years ago, April 3, 1995, the Federal debt stood at $4,873,481,000,000 (Four trillion, eight hundred seventy-three billion, four hundred eighty-one million).

Ten years ago, April 3, 1990, the Federal debt stood at $3,092,175,000,000 (Three trillion, ninety-two billion, one hundred seventy-five million).

Fifteen years ago, April 3, 1985, the Federal debt stood at $1,738,155,000,000 (One trillion, seven hundred thirty-eight billion, one hundred fifty-five million).

Twenty-five years ago, April 3, 1975, the Federal debt stood at $504,572,000,000 (Five hundred four billion, five hundred seventy-two million) which reflects a debt increase of more than $5 trillion—$5,246,048,100,381.36 (Five trillion, two hundred forty-six billion, forty-eight million, one hundred thousand, three hundred eighty-one dollars and thirty-six cents) during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNITION OF GREG HART, TEACHER AT SKYLINE ELEMENTARY SCHOOL

• Mr. GORTON. Mr. President, throughout my great State of Washington, there are thousands of gifted students who need some extra time and attention to help further their talents. At Skyline Elementary in Ferndale, a teacher by the name of Greg Hart, has turned a program created by the school district into a tremendous success and created an environment where gifted students can excel. For his achievements with gifted students in the Aiming High program, I am proud to award him with my next ''Innovation in Education'' Award.

The Aiming High program consists of students from all over the Ferndale School Districts for gifted students in the top 1 to 2-percent of the district and was created by the Ferndale School District to encourage highly capable students to develop critical thinking and analytical skills, act responsibly and respectfully, and promote positive self-esteem. Mr. Hart's classes consists of fifth and sixth grade students.

Both the Ferndale Superintendent and Skyline Principal believe that Mr. Hart is the driving force behind the success of this program. One of the ways Mr. Hart improves student learning is by tackling issues of national and historical importance. Students must work together on research projects and give presentations to their classmates. One of the most recent projects was by two students who focused on race in the United States and how it was manifested on the baseball field. Mr. Hart believes that by empowering children, they become better learners and have the confidence to tackle topics and develop skills well-beyond their grade level.

Superintendent Roger Lenhert describes Mr. Hart as the model of an ideal teacher. His energy in the classroom motivates his students to not only to advance in their studies, but to also pursue goals and interests outside of the classroom. Mr. Hart also encourages his students to act responsibly and to treat others with respect.

Mr. Hart's students succeed in academic competitions, both under his tutelage and after, and he continue to guide his students well after they left the elementary school. I am told by Dr. Berres that it is not uncommon to see Mr. Hart's old students coming by his classroom to visit him and to update him on their current achievements. It is clear by the visits of his former students and praising words of the superintendent and principal that Mr. Hart makes an enormous impact on his students.

Educators like Greg Hart clearly demonstrate that it is the people that know our children's names—their parents, their teachers, their administrators, and their school board members—who will make the best decisions about their education. I applaud Mr. Hart's hard work and dedication to his students and I hope my colleagues will join me in recognizing his outstanding contribution to education.•

IN RECOGNITION OF DAVID AND DOREEN HERMELIN

• Mr. LEVIN. Mr. President, I rise today to recognize an extraordinary couple from my home state of Michigan. David and Doreen Hermelin will be given the Dream Maker Award and the Rabbi Jacob Segal Award by Hillel Day School of Metropolitan Detroit on June 6, 2000.

It is truly fitting that among the honors David and Doreen will receive is the Dream Maker Award. The Award is given to those who have demonstrated an extraordinary commitment to the community and especially to Jewish education. It can be fairly said that David and Doreen are ''Dream Makers,'' because they both have committed so much of their lives to making people's dreams come true.

One of David Hermelin's mottos is ''The harder you work, the luckier you get.'' Thanks to his and Doreen's hard work, countless people in Metro Detroit have found themselves wealthy in luck as well. David and Doreen have opened their home for hundreds of charitable fundraisers, and their efforts on behalf of these good causes do not stop with opening their front door. They both have personally raised tens of millions of dollars for organizations that serve people in need in Michigan and in Israel as well. David's reputation as a fundraiser has become so widely recognized, in fact, that he has been known to joke that people wouldn't recognize him if his hand was in his pocket. But as he often notes, he asks people to contribute their time or talents to those in need ''not until it hurts, but until it feels good.'' Maybe that's the secret to David and Doreen's seemingly endless capacity for helping others—it truly does feel good.

Added to all of their other accomplishments, David just finished an extraordinary tour as U.S. Ambassador to Norway. He and Doreen made a very positive impact on our relations with this great ally. They played a major role in arranging for a United States Presidential visit, the first in a long time, and when my wife Barbara and I visited Norway, it was obvious from everyone we met that our country could not have selected a greater representative and symbol of what we stand for.

David and Doreen Hermelin's commitment to helping others is truly worthy of recognition, not only by Hillel Day School of Metropolitan Detroit but also by all of us. I know my colleagues will join me in offering them congratulations on this special occasion and a heartfelt thank you for all that they have done.•

RECOGNIZING THE HUMANITARIAN WORK OF MR. JAMES KELLY IN MOLDOVA

• Mr. LUGAR. Mr. President, I am pleased to have this opportunity to recognize one of my constituents, Mr. James Kelley of Fort Wayne, Indiana, for his humanitarian work in the country of Moldova.

Moldova is a small country located between Ukraine and Romania. Throughout the Cold War it was a part of the Soviet Union but recently gained its independence from the USSR on August 27, 1991. The United States has supported Moldova in its journey toward democracy and sovereignty.

I met with Moldovan President Petru Lucinschi last year in Washington. We discussed some of the challenges facing the newly independent Moldova. Our meeting revolved around U.S. security assistance including counter-proliferation training, efforts to combat organized crime and border security training. We also discussed our cooperation to prevent the proliferation of weapons of mass destruction. The United States and Moldova have enjoyed a positive

track record of cooperation, and I am hopeful that this relationship will continue.

Of the many challenges for this new country, two of the most pressing are economic growth and the health of the Moldovan people. In an effort to create economic growth in the region, Mr. Kelley established a grain business in Moldova's farm communities. With a purchase of a grain elevator he provided opportunity for many farmers to market their crops. This effort to bolster a local economy will assist in relieving the financial burden many families face in these rural communities.

In an effort to address the pressing health care needs of this nation, Mr. Kelley recently led a group of Fort Wayne area health professionals to Moldova. The team of trained physicians, nurses and health care professionals performed necessary surgeries, administered treatments, delivered medical equipment, supplies and medicines to the Republican Hospital in Chisinau.

I commend Mr. Kelley for his energy and commitment to helping the people of Moldova. His leadership and selfless dedication to helping others have made a difference in this small country.

Good relationships between the United States and former Soviet republics, such as Moldova, enhance the security of the United States. I am pleased to recognize the contributions of a fellow Hoosier in this important effort.●

TRIBUTE TO RABBI PHILIP LAZOWSKI

● Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to a man who, for 45 years, has served the Greater Hartford community with honor and distinction. On April 9, 2000 the friends of Beth Hillel Synagogue will mark the retirement of Rabbi Philip Lazowski at a dinner celebration in his honor.

Since accepting the position of Spiritual Leader at Congregation Beth Sholom in 1955, Rabbi Lazowski has helped the families of his congregation find strength through the principles of faith, humility, determination, forgiveness, and service. As the congregation has grown to include hundreds of families and take the name Beth Hillel Synagogue, Rabbi Lazowski has continued to impart his wisdom on these principles with the same energy and enthusiasm that has been his trademark. Through a number of books and interfaith efforts, Rabbi Lazowski has earned a lofty position within the state's distinguished history of spiritual leaders.

A survivor of the Holocaust, Rabbi Lazowski has also left his mark on the countless young people across the region who have heard him speak about his childhood in Poland during World War II. From the town of Belitza to the Dvorets ghetto to more than a year of hiding in the woods, his story has resonated within the youth of the community. With his many talks and presentations on this dark chapter of human history, Rabbi Lazowski has embraced his obligation to history and has proven that the light of truth can dispel all shadow.

For more than a quarter century, Rabbi Lazowski has served as Chaplain for the Hartford Police Department and has recently been named Chaplain for the Connecticut State Senate. His commitment to the spiritual health, not only of his congregation but all of the Greater Hartford area, is truly beyond question. Although he will be retiring from his position as Spiritual Leader of Beth Hillel Synagogue, I have every confidence that he will remain active as leader, educator and friend to the people of Connecticut.

Rabbi Lazowski stands as a shining example of the type of selfless individual that keeps our communities vibrant. It is with great pleasure that I formally extend to him my very best wishes on this special day.●

COMMENDING GENE R. ''ROCKY'' ROCCABRUNA

● Mr. THOMAS. Mr. President, on March 15, 2000, Gene R. ''Rocky'' Roccabruna retired as Director of the State of Wyoming's Department of Transportation. Mr. Roccabruna stepped down from his position after rendering more than 30 years of outstanding public service. I regret his departure in the sense that it is indeed a loss to both the agency he headed and to the traveling public at large. But at the same time, I wish to extend, on behalf of my state's Congressional delegation, our gratitude for a job well done and our sincerest wishes for a long and happy retirement.

Mr. Roccabruna's retirement represents a milestone in Wyoming highway history as he was the last active Department of Transportation employee whose association with the agency dated back to the beginning of Interstate Highway System in 1956. After starting as an engineer trainee, he earned steady promotions and soon was in charge of multi-million dollar highway construction contracts. Several sections of Interstate 80 were built under his supervision and that road has since become not only Wyoming's busiest highway but a major artery for transcontinental commerce as well.

Mr. Roccabruna left the employ of state government to start his own contracting business but later returned and went on to hold several managerial positions within the Department of Transportation. His reputation grew along with his responsibilities. He became widely recognized for abilities as a good listener and consensus builder. For these and numerous other good reasons, Wyoming Gov. Jim Geringer appointed him in December 1996 to head the Department, which is the largest Wyoming state agency. During the past three-plus years, I, Senator ENZI and Representative CUBIN, and our staffs, have had numerous opportunities to work with Mr. Roccabruna on many important state and national transportation issues. His advice was particularly valuable when we helped craft the Transportation Equity Act for the 21st Century, and his contributions will provide benefits well into the future. While I look forward to a continuing good relationship with the Wyoming DOT under its new director, Sleeter C. Dover, I take this opportunity to again say thanks to Mr. Roccabruna for dedicating so much of his time and talents to making transportation more efficient, more enjoyable and safer for Wyoming residents and the entire traveling public.●

25TH ANNIVERSARY OF THE OSHKOSH SENIORS CENTER

● Mr. KOHL. Mr. President, I rise today to recognize the 25th Anniversary of the Oshkosh Seniors Center. Since its beginnings in a single room at the First Presbyterian Church in 1975, the Oshkosh Seniors Center has grown to occupy the present site at 200 North Campbell Road.

Friends of the Oshkosh Seniors Center were crucial to the success of raising $500,000 of the $1.2 million needed to build the beautiful facility on Campbell Road. The Friends of the Center, on behalf of the City of Oshkosh, worked unfailingly to realize what has become a first class center for senior citizens. They remain committed to meeting the demands of the continuing growth of the Center. Just as the dedication of the Friends of the Center has remained steadfast, the staff and volunteers of the Oshkosh Seniors Center have never wavered from its stated mission in 1975 ''to become a multi-purpose seniors center.''

The center meets the social, physical and emotional needs of senior citizens in the Oshkosh community by providing inter-generational, social, recreational, cultural and volunteer opportunities. These goals are supported by more than one hundred programs and activities in arts and crafts, fine arts, continuing education, games and recreation, community services, support groups, health and wellness, and other events. These offerings have been delivered at the center and at several locations in the area to thousands of people during the past year.

It is through the efforts of the center's Director, Sue Kreibich, staff members and countless volunteers who work diligently to make certain the Oshkosh Seniors Center continues to offer opportunities that allows senior citizens of the Oshkosh community to remain active and involved.

The center will observe its twenty-fifth anniversary during the week of April 2nd by announcing the inauguration of the Oshkosh Seniors Center Endowment Fund. This Fund will allow the organization to meet the needs of expansion to accommodate the substantial growth that continues at the

center. It is organizations like the Oshkosh Seniors Center and their friends that make Oshkosh a stronger community.

Congratulations to the Oshkosh Seniors Center on their 25th anniversary.●

HONORING THE LATE JOSEPH L. FISHER

● Mr. ROBB. Mr. President, it is my privilege to be a co-sponsor of S. 2234, a bill which recognizes the exceptional service of two former Congressmen from Northern Virginia, Joseph L. Fisher and Joel T. Broyhill, by renaming two area facilities of the United States Postal Service in their honor. I'd like to say a few words about one of the honorees, the late Joseph L. Fisher.

I knew Joe Fisher well. He was a friend, colleague and mentor. Joe epitomized the very best in public service—with his integrity, first-rate intellect, decency and compassion for others.

It was Joe who provided me with my first formal entry into Virginia politics when I hosted a reception for his re-election bid to the Arlington County Board in 1971. He earned the respect of his fellow Arlingtonians with his ten years of service on the Board, including two terms as its Chairman. In championing regional solutions to many of the issues that faced Arlington County, he was ahead of his time. At various points during his tenure on the Board, he represented Arlington as Chairman of both the Washington Metropolitan Area Transit Authority and the Metropolitan Washington Council of Governments.

My first time handing out literature at the polls in Virginia on Election Day was for Joe's first successful campaign for Congress in 1974—I remember the experience well because it rained most of the day. We were all proud of Joe's service in the U.S. House of Representatives. He was a recognized leader in Congress on tax, energy and budget issues. Joe was appointed to the Ways and Means Committee in his first term, and he facilitated the work of seven tasks forces in writing the Energy Policy Act of 1978.

In 1982, the year I took the oath as Governor of Virginia and about a year after the end of his service in Congress, I persuaded Joe to join my Cabinet as Virginia's Secretary of Human Resources. As in every other endeavor he undertook during his lifetime, Joe led the Department of Human Resources with distinction. He succeeded in eliminating Virginia's Medicaid deficit which had resulted from recession and cutbacks at the federal level. Joe also left a legacy of improvements in Virginia's prevention efforts in such areas as health, social services, mental health, rehabilitation, job training and independent living. After serving in my Administration, Joe spent the remainder of his professional years as a professor of political economy at George Mason University where he inspired many a student.

However, Joe Fisher's service as a public official only tells part of the story. He served his country in the Pacific during World War II. Joe worked his way through college as a professional boxer and was also a semi-professional basketball player in the Northern New England League. He was a Harvard trained economist and led the Unitarian Universalist Association.

Joe passed away in 1992 from cancer. He left behind his most important legacy—a wonderful family. His wife Peggy, an exceptionally talented individual in her own right and the secret to Joe's success, remains a valued friend to me and my family. Joe is also survived by seven children, sixteen grandchildren and two great grandchildren.

In a sermon he wrote entitled ''Endings and Beginnings,'' Joe referred to ''the only immortality we can count on'' as ''the immortality of the good and worthy life whose influence lives on in the hearts and minds of those whom it touches.'' Joe Fisher lived this ''good and worthy life'' and his influence will always live on in those whom he had such an indelible impact.●

SECOND COMPANY GOVERNOR'S FOOT GUARD

● Mr. LIEBERMAN. Mr. President, I rise today to honor one of the oldest military organizations in the United States, founded even before our country became a unified nation; the Second Company Governor's Foot Guard of New Haven. Later this week the men and women of the Second Company will celebrate their 225th anniversary which is truly a monumental observance in this first year of the new millennium.

Mr. President, let me share with you the history of the Second Company because it is essentially, the history of the new nation and the colonies that became the United States of America. The first meeting of the yet to be named military organization was during the winter of 1774 and included many men whose names are known to every student who has studied American history; Benedict Arnold, Ethan Allen and Aaron Burr. Later that winter, on March 2, 1775, fifty eight men signed a memorial to form themselves into a military company. At that time, the General Assembly of the Governor and Colony of Connecticut was sitting in New Haven and made this memorial special business. On that same day, recognizing the importance and significance of this memorial, the General Assembly granted a charter to the Second Company Governor's Foot Guard. It didn't take long for the Second Company Governor's Foot Guard to see action when, at the beginning of the American Revolution, under the command of Captain Benedict Arnold, the Second Company answered the Lexington Alarm, seized the stores of gunpowder at the Town of New Haven and marched to the Siege of Boston. The date was April 22, 1775, and each year the Second Company Governor's Foot Guard performs a colorful reenactment of this event on Powder House Day in New Haven.

Three years later, during the British invasion on July 2, 1779, Captain Hezekiah Sabin and the Second Company Governor's Foot Guard defended New Haven at the bridge over the West River. Time and again our nation has been defended by the Second Company Governor's Foot Guard. In 1861 the Second Company formed a war company which was known as the Company K, Sixth Connecticut Volunteers, left for the front in the Civil War, and fought in twenty six battles and skirmishes before being mustered out in August of 1865.

Since 1775, the Second Company Governor's Foot Guard has been escort to every Governor of the Colony and the State of Connecticut and has served as honor guard to fourteen American Presidents and in our Bicentennial Year, the Queen of England. Mr. President, were it not for the dedicated service of the Second Company, Governor's Foot Guard for the past 225 years, I dare say the history of Connecticut, the Constitution State, as well as the United States of America would be different. Every one of us in this Chamber owes a debt of gratitude to the Second Company, Governor's Foot Guard. As the Second Company celebrates 225 years of service, under the leadership of Major Commandant Peter A. Wasilewski, I rise in humble thanks to the hundreds of men and women who have proudly worn the red coat uniform and to those who will in the future. I ask those in this Chamber to join me in honoring the Second Company Governor's Foot Guard for 225 years of service to the Governor, the General Assembly and the people of the Colony and State of Connecticut.●

DIONNE A. COLE NAMED ACHIEVER OF THE MONTH

● Mr. ABRAHAM. Mr. President, in October of 1993, the State of Michigan Family Independence Agency commemorated the first anniversary its landmark welfare reform initiative, To Strengthen Michigan Families, by naming its first Achiever of the Month. In each month since, the award has been given to an individual who participates in the initiative and has shown outstanding progress toward self-sufficiency. I rise today to recognize Ms. Dionne A. Cole, who was the recipient of the award for the month of March, 2000.

Ms. Cole is the single mother of a three-year-old son. She began receiving assistance from the Family Independence Agency in September of 1999. Though at this time she was a single mother with no job experience, through a self-initiated job search Ms. Cole obtained employment as a security guard for Strategic Protection Group that same month. To ease the transition,

F.I.A. assisted Ms. Cole with child care and provided her with funds to purchase a car.

In December of 1999, her cash assistance from F.I.A. ended because of earned income. Nonetheless, by budgeting her money wisely, Ms. Cole recently has signed the lease on her first apartment. With the help of her Family Independence Specialist, electric and heat accounts were established for her at this residence.

Ms. Cole has her high school diploma and would like to attend Wayne County Community College to study Business Management. Her ultimate goal is to own her own beauty shop.

Mr. President, I applaud Ms. Dionne Cole for being named Achiever of the Month for March of 2000. It is an honor for which she has worked very hard and she truly deserves. On behalf of the entire United States Senate, I congratulate Ms. Cole, and wish her continued success in the future.●

HILLEL JEWISH DAY SCHOOL HONORS MR. AND MRS. DAVID HERMELIN

● Mr. ABRAHAM. Mr. President, I am honored to rise today in recognition of David and Doreen Hermelin, long-time residents of Detroit, Michigan. The couple recently returned home from Norway, where Mr. Hermelin served as United States Ambassador. On June 6, 2000, the Hermelins will be honored by Hillel Day School, an independent Conservative Jewish Day School located in Farmington Hills, Michigan. Together, they will receive the 2000 Dream Maker Award, which recognizes the achievements of a person or persons who are committed to the cause of Jewish education, and also the Rabbi Jacob Segal Award, given annually in blessed memory of Rabbi Segal, one of the founders of Hillel Day School.

Mr. and Mrs. Hermelin have often been recognized for their dedication to the Jewish community, both nationally and internationally. Before his ambassadorship, Mr. Hermelin served as the International Chairman of State of Israel Bonds, and as Vice-Chair of United Jewish Appeal. He has been honored by the State of Israel with the Golda Meir Leadership Award, given the Knights of Charity Award by the Archdiocese of Detroit, and received the Golden Menorah Award for Community Service from B'nai B'rith. Mrs. Hermelin is a recipient of the Women of Valor Award from the State of Israel Bonds, the Humanitarian Award from B'nai B'rith, the Heart of Gold from the United Foundation, and was also named the Woman of the Year by B'nai B'rith Women.

The Hermelin's philanthropic and humanitarian work has extended well past the bounds of their faith. Mrs. Hermelin currently serves on the Board of Directors of the Michigan Foundation for the Arts and on the Board of Trustees of the Michigan Opera Theater and the Michigan Parkinson's Foundation. She is a member of the Cranbrook Art Association and the Women's Committee of the Michigan Lung Association. Mr. Hermelin serves on the Board of Directors of the Community Foundation for Southeastern Michigan, the Greater Detroit Interfaith Round Table, and the Detroit Symphony Orchestra Hall. He sits on the Board of Trustees of the Michigan Developmental Foundation and on the Advisory Board of the United Way for Southeastern Michigan. Together, David and Doreen have volunteered their efforts on behalf of Friends of Modern Art of the Detroit Institute of Arts and the Children's Hospital of Michigan.

Mr. President, I am sure that June 6 will be a special day for David and Doreen Hermelin. They have long supported Hillel Day School, and their eldest of six grandchildren, Matthew Orley, will also be rewarded by the school this spring, with his high-school diploma.

It is my hope that these two events remind David Hermelin and Doreen Curtis how far they have come since they first met at Camp Tamakwa in 1949. I also hope that they take the time to think about just how many lives they have touched with their many charitable efforts.

Mr. President, I would like to welcome Ambassador and Mrs. Hermelin back to metropolitan Detroit. While I do appreciate the work the couple did in Norway, it is my preference that they stay in Michigan for a while. On behalf of the entire United States Senate, I congratulate David and Doreen Hermelin on receiving the 2000 Dream Maker Award and the Rabbi Jacob Segal Award, and I applaud Hillel Day School for recognizing this magnificent pair.●

A TRIBUTE TO MR. JIM CASH

● Mr. ABRAHAM. Mr. President, I rise today in honor and in memory of a dear friend of mine, Mr. Jim Cash, who passed away on March 24 at the age of 59. Jim is internationally recognized as a screenplay writer. He co-wrote the movies ''Top Gun,'' ''The Secret of My Success,'' ''Dick Tracy,'' and ''Turner and Hooch,'' among others. I would like to recognize him today, however, not for his writing achievements, but for his contributions to the Lansing, Michigan, community, and the campus of our alma mater, Michigan State University. It is there, I believe, where his words found their most attentive listeners. It is also there where they had their most profound effects.

Jim began teaching a film history course at Michigan State in 1974, taking the job as an adjunct professor. He hoped only to earn some money to continue his screenplay writing. When he and co-writer Jack Epps, Jr., a former student, found success together in the mid-1980's, it would have been easy for Jim to leave Michigan State behind for the brighter pastures of Hollywood. Instead, Jim stayed in Lansing. He stayed because he had discovered that he loved to teach as much as he loved to write. And the reason that he loved teaching was because he loved instilling into his students the same love for writing and for film that he had. Witnessing this process occur in his students never got old. He stayed, Mr. President, because he realized that with his teaching he had a true impact on the lives of individuals, something he could not have attained in Hollywood, not on the same level as he could at Michigan State.

Jim taught more than just the six-hundred students who often filled his classrooms, though. He and his wife, Cynthia, were very active in Lansing community fine arts programs, volunteering their time throughout the area. They provided money for the creation of many fine arts scholarships. Jim also helped to write and direct a production at East Lansing High School entitled ''4 Years to Life,'' which dramatized the rigors of high school life. In the last year of his life, Jim and Cynthia could often be found at the Silverscreen Café, a coffee shop that they owned together.

Mr. President, with his writing ability, Jim forever left his mark on Hollywood. With his incredible spirit and immense knowledge, he forever left his mark on Lansing, Michigan, Michigan State University, and thousands upon thousands of students. And with his personality, he forever left his mark on anyone who had the chance to meet him. Plain and simple, he was an incredible man, and he will be greatly missed.●

DR. MAUREEN A. FAY RECEIVES ALTERNATIVES FOR GIRLS ROLE MODEL AWARD

● Mr. ABRAHAM. Mr. President, Alternatives for Girls is an organization which provides aid and assistance to vulnerable young women in the metropolitan Detroit area. Founded in 1987, Alternatives for Girls remains committed to its original mission of helping homeless and high-risk girls and young women avoid violence, teen pregnancy, and exploitation, while at the same time helping them explore and access the support, resources and opportunities necessary to be safe, to grow strong, and to make positive choices for their lives. It has been recognized by Newsweek as a social service agency that works, and named one of the best managed non-profit organizations in the Detroit area by Crain's Business Weekly.

Each year, the Alternatives For Girls selects two female role models to receive its Role Model Award. With this award, the organization seeks to identify and honor women who, through their professional accomplishments, personal attributes, and demonstrated commitment to community, affirm the principles embodied in Alternative For Girls' purpose, and provide inspiration

and concrete examples of what women can attain when afforded the opportunity and the guidance to make positive life choices. Mr. President, I rise today to recognize and honor Dr. Maureen A. Fay and Ms. Pamela Rodgers, who will receive the Alternatives For Girls Role Model Award at the 11th Annual Role Model Dinner, on April 6, 2000.

Dr. Fay has lived a life dedicated to education. Before graduating from the University of Chicago with a doctorate in social sciences in 1976, she taught at the University of Illinois, Northern Illinois University, and DePaul University. After her graduation, she became Dean of Continuing Education and Graduate Studies at Saint Xavier University in Chicago. In 1983, she was named president of Mercy College of Detroit. In 1990, when Mercy College consolidated with the University of Detroit, she became the first president of the University of Detroit-Mercy. She has served in this position for the last ten years, focusing her efforts on the growth and revitalization of Michigan's largest Catholic University.

Dr. Fay is active, and provides leadership, in a variety of educational organizations. She serves on the executive committee of the Association of Catholic Colleges and Universities, the executive committee of the Association of Jesuit Colleges and Universities, is a member of the Association of Mercy Colleges, and is a member of the executive committee of the Association of Independent Colleges and Universities of Michigan.

Dr. Fay has also been extremely active in the Detroit area. She currently serves on the boards of Bank One Corporation, Kelly Services, Inc., the Detroit Economic Growth Corporation, the Economic Club of Detroit, New Detroit, Inc., the National Conference for Community and Justice, and the Endowment Foundation for the Archdiocese of Detroit. In March of 1996, she was appointed by Mayor Dennis Archer to the Greater Downtown Partnership, Inc., an initiative to spearhead downtown economic revitalization and development.

Mr. President, I applaud Dr. Maureen Fay on her many remarkable achievements, and commend her for her dedication to improving the city of Detroit. Dr. Fay is truly a role model for women not only in Detroit but across the nation, and I am glad that Alternatives For Girls has recognized her as such. On behalf of the entire United States Senate, I congratulate Dr. Fay on receiving the Alternatives For Girls Role Model Award.●

PAMELA RODGERS RECEIVES ALTERNATIVES FOR GIRLS ROLE MODEL AWARD

● Mr. ABRAHAM. Mr. President, Alternatives for Girls is an organization which provides aid and assistance to vulnerable young women in the metropolitan Detroit area. Founded in 1987, Alternatives for Girls remains committed to its original mission of helping homeless and high-risk girls and young women avoid violence, teen pregnancy, and exploitation, while at the same time helping them explore and access the support, resources and opportunities necessary to be safe, to grow strong, and to make positive choices for their lives. It has been recognized by Newsweek as a social service agency that works, and named one of the best managed non-profit organizations in the Detroit area by Crain's Business Weekly.

Each year, Alternatives For Girls selects two female role models to receive its Role Model Award. With this award, the organization seeks to identify and honor women who, through their professional accomplishments, personal attributes, and demonstrated commitment to community, affirm the principles embodied in Alternative For Girls purpose, and provide inspiration and concrete examples of what women can attain when afforded the opportunity and the guidance to make positive life choices. Mr. President, I rise today to recognize and honor Dr. Maureen A. Fay and Ms. Pamela Rodgers, who will receive the Alternatives For Girls Role Model Award at the 11th Annual Role Model Dinner, on April 6, 2000.

After graduating with an M.B.A. from Duke in 1983, Ms. Pamela Rodgers returned to her hometown of Detroit, Michigan, to work as a financial analyst for Ford Motor Company. In 1988, she was admitted into the Ford Minority Dealer Development Program. In early 1993, Ms. Rodgers was finally given the opportunity she desired, when she took over General Motor's Flat Rock Dealership.

Since Ms. Rodgers became owner, the Flat Rock Dealership, now Rodgers Chevrolet, has prospered in every way. In 1995, G.M. named it number one in ''service satisfaction'' for the entire Detroit area. When Ms. Rodgers first took over in 1993, annual sales were under $15 million. In 1998, Rodgers Chevrolet eclipsed the $48 million sales mark, sold an average of 180 new and used vehicles per month, including fleet sales to large companies like Detroit Edison, and hired fifteen new employees.

Ms. Rodgers is active in a number of civic and professional organizations. She is a member of the Board of Family Services, the National Black M.B.A. Association, and the Women's Automotive Issues. She sits on the Board of Directors of the National Association of Minority Automobile Dealers and the General Motors Minority Dealers Association.

Mr. President, Ms. Pamela Rodgers has been a true pioneer in the automobile industry. No one has opened the doors for her, rather, it has been her hard work and will to succeed that have forced them open. On behalf of the entire United States Senate, I congratulate her on being named as an Alternatives For Girls Role Model. It is an honor she truly deserves.●

IN RECOGNITION OF ALTERNATIVES FOR GIRLS

● Mr. ABRAHAM. Mr. President, I rise today to recognize Alternatives for Girls, an organization which provides aid and assistance to vulnerable young women in the metropolitan Detroit area. Founded in 1987, Alternatives for Girls remains committed to its original mission of helping homeless and high-risk girls and young women avoid violence, teen pregnancy, and exploitation, while at the same time helping them explore and access the support, resources and opportunities necessary to be safe, to grow strong, and to make positive choices for their lives.

In its thirteen years, Alternatives For Girls has grown from a small, volunteer-run program into a multi-service agency. It now has a staff of over fifty employees, one-hundred and seventy active volunteers, and an annual operating budget of over $2 million. It has been honored by Crain's Detroit Business Weekly as one of the best-managed non-profit organizations in the Detroit metropolitan area, and has also been named by Newsweek as a social service agency that works.

Mr. President, the staff and volunteers of Alternatives For Girls hold the firm conviction that they can make a difference in the lives of girls and young women in metropolitan Detroit by helping them build the foundations for trust, responsibility and success; by providing them with educational support and vocational guidance to become to become self-sufficient; by counselling them and linking them with the resources they need to build safe and healthy lives; and by listening to their concerns, responding to their needs, standing by them in times of frustration, and congratulating them in times of success.

Alternatives For Girls has three program areas, a Prevention Program, a Crisis Shelter and Transition to Independent Living Program, and a Street Outreach Program. The Prevention Program serves girls, ages 5–17, and their families, who are at risk for school dropout, early pregnancy, and involvement with gangs, drugs, and violence. The Crisis Shelter and Transition to Independent Living Program serves homeless girls and young women, ages 16–20, who are not in the foster care or judicial system. And through the Street Outreach Program, staff and volunteers provide support, referrals and other necessities to girls and young women who are involved in prostitution, substance abuse, gang activity and unhealthy relationships.

Mr. President, I applaud the staff and volunteers of Alternatives For Girls for their tremendous efforts to help the girls and young women of metropolitan Detroit. Their efforts have changed hundreds of lives, whether by providing

mentoring services, overseeing and aiding the transition to independent living of a homeless young woman, or offering counseling in a time of need. On behalf of the entire United States Senate, I not only commend the staff and volunteers of Alternatives For Girls for their work, but also give them a much deserved thank you.●

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.)

THE REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT—PM 98

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 Commerce, Science, and Transportation.

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102–356), I transmit herewith the report of the Corporation for Public Broadcasting.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 4, 2000*.

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with amendments in which it requests the concurrence of the Senate:

S. 1567. An act to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the ''C.B. King United States Courthouse.''

The message also announced that the House has agreed to the amendment of the Senate to the title, and agrees to the amendment of the Senate to the text of the bill (H.R. 1753) to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 1089. An act to require the Securities and Exchange Commission to require the improved disclosure of after-tax returns regarding mutual fund performance, and for other purposes.

H.R. 1359. An act to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the ''Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse.''

H.R. 1605. An act to designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the ''J. Smith Henley Federal Building and United States Courthouse.''

H.R. 3591. An act to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

H.R. 3904. An act to prevent the elimination of certain reports.

H.R. 4052. An act to preserve certain reporting requirements under the jurisdiction of the Committee on Transportation and Infrastructure of the House of Representatives, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 278. Authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service.

H. Con. Res. 279. Authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress.

H. Con. Res. 281. Authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

MEASURES REFERRED

The following bills were read the first and second time by unanimous consent, and referred as indicated:

H.R. 1089. An act to require the Securities and Exchange Commission to require the improved disclosure of after-tax returns regarding mutual fund performance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1359. An act to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the ''Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 1605. An act to designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the ''J. Smith Henley Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 3904. An act to prevent the elimination of certain reports; to the Committee on Government Affairs.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 278. Concurrent resolution authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service; to the Committee on Rules and Administration.

H. Con. Res. 279. Concurrent resolution authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress; to the Committee on Rules and Administration.

H. Con. Res. 281. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts; to the Committee on Rules and Administration.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 4052. An act to preserve certain reporting requirements under the jurisdiction of the Committee on Transportation and Infrastructure of the House of Representatives, and for other purposes.

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–8307. A communication from the Assistant Attorney General, Office of Legislative Affairs transmitting, pursuant to law, the report of the Department's activities under the Equal Credit Opportunities Act for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–8308. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HUD Acquisition Regulation; Technical Correction'' (RIN2535–AA25) (FR–4291–C–03), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8309. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Uniform Financial Reporting Standards for HUD Housing Programs; Revised Report Filing Date'' (RIN2501–AC49) (FR–4321–F–07), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8310. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark-to-Market)'' (RIN2502–AH09) (FR–4298–F–07), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8311. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs'' (RIN2501–AC59) (FR–4485–F–03), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8312. A communication from the Senior Banking Counsel, Office of the General Counsel, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Merchant Banking Investments'' (RIN1505–AA78), received March 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8313. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice transmitting, pursuant to law, the report of a rule entitled ''Revoking Grants of Naturalization'' (RIN1115–AF63), received March 31, 2000; to the Committee on the Judiciary.

EC–8314. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting a draft of proposed legislation relative to the Immigration and Nationality Act; to the Committee on the Judiciary.

EC–8315. A communication from the Director, Defense Finance and Accounting Service, Department of Defense transmitting, pursuant to law, the report of an A–76 cost comparison study of the Security Assistance Accounting function; to the Committee on Armed Services.

EC–8316. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents; Revocation'' (Docket No. 95N–0253), received March 30, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8317. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ethoxylated Propoxylated (C–12–C–15) Alcohols; Tolerance Exemption; Technical Correction'' (FRL #6498–4), received March 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8318. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spinosad; Pesticide Tolerance; Technical Correction'' (FRL #6551–9), received March 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8319. A communication from the Regulatory Liaison, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Regulations Issued Under the Packers and Stockyards Act (Feed Weight)'' (RIN0580–AA64), received March 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8320. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''HCFA User Fee Act of 2000''; to the Committee on Finance.

EC–8321. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''Child Support Enforcement Amendments of 2000''; to the Committee on Finance.

EC–8322. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Changes in Amortization Bases-Taxpayer Relief Act of 1997'' (Rev. Rul. 2000–20), received March 30, 2000; to the Committee on Finance.

EC–8323. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD 8879: Kerosene Tax; Aviation Fuel Tax; Taxable Fuel Measurement and Reporting; Tax on Heavy Trucks and Trailers; Highway Vehicle Use Tax'' (RIN1545–AT18), received March 30, 2000; to the Committee on Finance.

EC–8324. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''21 BLS–LIFO Department Store Indexes-February 2000'' (Rev. Rul. 2000–21), received March 31, 2000; to the Committee on Finance.

EC–8325. A communication from the Chairman, Federal Maritime Commission transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Commerce, Science, and Transportation.

EC–8326. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''National Marine Aquaculture Initiative: Request for Proposals for FY 2000'' (RIN0648–ZA82), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8327. A communication from the Attorney-Advisor, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Third Extension of Computer Reservation Systems Regulations'' (RIN2105–AC75), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8328. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Advanced Air Bag Dummy Rule for CRABI 12-Month-Old Size'' (RIN2127–AG78), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8329. A communication from the Deputy Chief Counsel, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Light Truck Average Fuel Economy Standard, Model Year 2002'' (RIN2127–AH95), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8330. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Offset Deformable Barrier Crash Test Procedures'' (RIN2127–AH93), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8331. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment to the Section 8 Management Assessment Program (SEMAP); Correction'' (RIN2577–AC10) (FR–4498–C–03), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8332. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Renewal of Expiring Annual Contributions Contracts in the Tenant-Based Section 8 Program; Formula for Allocation of Housing Assistance; Correction'' (RIN2577–AB96) (FR–4459–C–07), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8333. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Allocations of Funds Under the Capital Fund; Capital Fund Formula'' (RIN2577–AB87) (FR–4423–F–07), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8334. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold; Correction'' (RIN2501–AB57) (FR–3482–C–08), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8335. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Housing Choice Voucher Program; Correction'' (RIN2577–AB91) (FR–4428–C–06), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, with amendments:

S. 1752: A bill to reauthorize and amend the Coastal Barrier Resources Act (Rept. No. 106–252).

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 2346: An original bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent and 28-percent rate brackets, and earned income credit, and for other purposes (Rept. No. 106–253).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the joint resolution (S.J. Res. 3) proposing an amendment to the Constitution of the United States to protect the rights of crime victims (Rept. No. 106–254).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself, Mr. JEFFORDS, Ms. COLLINS, Mr. VOINOVICH, Mr. DEWINE, and Mr. SESSIONS):

S. 2341. A bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN (by request):

S. 2342. A bill to amend the Medicare program under title XVIII of the Social Security Act to make Medicare more competitive and efficient, to provide for a prescription drug benefit, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. LEVIN):

S. 2343. A bill to amend the National Historic Preservation Act for the purposes of establishing a national historic lighthouse preservation program; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. DASCHLE, Mr. GRAMS, Mr. KERREY, Mr. ASHCROFT, Mr. DEWINE, Mr. INHOFE, Mr. ROBERTS, Mr. DORGAN, Mr. CONRAD, Mr. LUGAR, Mr. BOND, Mr. JOHNSON, Mr. BUNNING, Mr. CRAIG, Mr. HAGEL, and Mr. GRASSLEY):

S. 2344. A bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 2345. A bill to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2346. An original bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent and 28-percent rate brackets, and earned income credit, and for other purposes; placed on the calendar.

By Mr. CONRAD (for himself, Mr. REID, Mr. JOHNSON, Mr. LEVIN, Mr. KENNEDY, Mrs. LINCOLN, Mr. BAYH, and Mr. ROCKEFELLER):

S. 2347. A bill to provide grants to partnerships to establish and carry out information technology training programs and to provide incentives for educators to obtain information technology certification, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE:

S. 2348. A bill to provide for fairness and accuracy in student testing; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 2349. A bill to amend part D of title IV of the Social Security Act to permit States with proven cost-effective and efficient child support collection systems to continue to operate such systems; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2350. A bill to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2351. A bill to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian tribe of Utah, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRAHAM:

S. 2352. A bill to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. MURKOWSKI, Mr. JOHNSON, and Mr. STEVENS):

S. 2353. A bill to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III; to the Committee on Indian Affairs.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2354. A bill to amend the Internal Revenue Code of 1986 to prevent the duplication of losses through the assumption of liabilities giving rise to a deduction; to the Committee on Finance.

By Mr. SANTORUM:

S. 2355. A bill to amend the Individuals with Disabilities Education Act to modify authorizations of appropriations for programs under such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 2356. A bill to amend the Richard B. Russell National School Lunch Act to improve management of the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN:

S. Con. Res. 102. A concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. LEVIN):

S. 2343. A bill to amend the National Historic Preservation Act for the purposes of establishing a national historic lighthouse preservation program; to the Committee on Energy and Natural Resources.

NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT OF 2000

Mr. MURKOWSKI. Mr. President, with my colleague from Michigan, I am proud to introduce the National Lighthouse Preservation Act of 2000. This bill would amend the National Historic Preservation Act to establish a historic lighthouse preservation program within the Department of the Interior. It is similar to a bill that the Senate passed in the 105th Congress.

The legislation directs the Secretary of the Interior and the Administrator of General Services to establish a process for conveying historic lighthouses which are around our coastal areas and Great Lakes when these lighthouses have been deemed to be in excess of Federal needs of the agency owning and operating the lighthouse. For entities eligible to receive a historic lighthouse, it would be for the uses of educational, park, recreation, cultural, and historic preservation. And the agencies that would be included would be Federal or State agencies, local governments, nonprofit corporations, educational agencies, and community development organizations, and so forth.

There is no question that the historic lighthouses would be conveyed in a nonfee structure to selected entities which would have the obligation to maintain the integrity of these historic structures.

The historic lighthouses would revert back to the United States if a property ceases to be used for education, park, recreation, cultural or historic preservation purposes, or failed to be maintained in compliance with the National Historic Preservation Act.

Lighthouses are among the most romantic reminders of our country's maritime heritage. Marking dangerous headlands, shoals, bars, and reefs, these structures played a vital role in indicating navigable waters and supporting this Nation's maritime transportation and commerce. These lighthouses served the needs of the early mariners who navigated by visual sightings on landmarks, coastal lights, and the heavens. Hundreds of lighthouses have been built along our sea coasts and on the Great Lakes, creating the world's most complex aids to navigation system. No other national lighthouse system compares with that of the United States in size and diversity of architectural and engineering types.

My legislations pays tribute to this legacy and establishes a process which will ensure the protection and maintenance of these historical lighthouses so that future generations of Americans will be able to appreciate these treasured landmarks.

The legislation authorizes the Secretary of the Department of the Interior, through the National Park Service, to establish a historic lighthouse preservation program. The Secretary is charged with collecting and sharing information on historic lighthouses; conducting educational programs to inform the public about the contribution to society of historic lighthouses; and maintaining an inventory of historic lighthouses.

A historic light station is defined as a lighthouse, and surrounding property, at least 50 years old, which has been evaluated for inclusion on the National Register of Historic Places, and included in the Secretary's listing of historic light stations.

Most important, the Secretary, in conjunction with the Administrator of General Services, is to establish a process for identifying, and selecting among eligible entities to which a historic lighthouse could be conveyed. Eligible entities will include Federal agencies, State agencies, local communities, nonprofit corporations, and educational and community development organizations financially able to maintain a historic lighthouse, including conformance with the National Historic Preservation Act. When a historic lighthouse has been deemed excess to the needs of the Federal agency which manages the lighthouse, the General Services Administration will convey it, for free, to a selected entity for education, park, recreation, cultural, and historic preservation purposes.

My legislation also recognizes the value of lighthouse friends groups. Often, these groups have spend significant time and resources on preserving the character of historic lighthouses only to have his work go to waste when the lighthouse is transferred out of Federal ownership. Under current General Services Administration regulations, these friends groups are last on the priority list to receive a surplus light station in spite of their efforts to protect it. My bill gives priority consideration to public entities who submit applications in which the public entity partners with a nonprofit friends group.

Everyone agrees that the historic character of these lighthouses needs to be maintained. But the cost of maintaining these historic structures is becoming increasingly high for Federal

agencies in these times of tight budgetary constraints. These lighthouses were built in an age when they had to manned continuously. Today's advanced technology makes it possible to build automated aids to navigation that do not require around-the-clock manning. This technology has made many of these historic lighthouses expensive anachronisms which Federal agencies must maintain even if they no longer use them as navigational aids.

My legislation ensures that the historic character of these lighthouses are maintained when the lighthouses are no longer needed by the Federal Government. When the historic lighthouse is conveyed out of Federal ownership, the entity which receives the lighthouse must maintain it in accordance with historic preservation laws and standards. A lighthouse would revert to the United States, at the option of the General Services Administration, if the lighthouse is not being used or maintained as required by the law.

In the event no government agency or nonprofit organization is approved to receive a historic lighthouse, it would be offered for sale by the General Services Administration. The proceeds from these sales would be transferred to the National Maritime Heritage Grant Program within the National Park Service. Congress established the National Maritime Heritage Grant Program in 1994 to provide grants for maritime heritage preservation and education projects. Unfortunately, funding for this program has been nonexistent so the proceeds from any historic lighthouse sales would help ensure the program's viability.

It is my intent to ensure that coastal towns, where a historic lighthouse is an integral part of the community, would receive a historic lighthouse when it is no longer needed by the Federal Government. These historic lighthouses could be used by the community as a local park, a community center, or a tourist bureau. It also would ensure that historic lighthouse friends groups or lighthouse preservation societies, which have voluntarily helped to maintain the historic character of the lighthouse, could receive an excess lighthouse.

Mr. President, I know firsthand the importance and allure of these historic lighthouses. When I was in the Coast Guard, I helped maintain lighthouses and other navigational aids. These lights were critical to safe maritime traffic and I took my responsibilities seriously knowing that lives were dependent on it.

By preserving historic lighthouses, we preserve a symbol of that era in American history when maritime traffic was the lifeblood of the Nation, tying isolated coastal towns through trade to distant ports around the world. Hundreds of historic lighthouses are owned by the Federal Government and many of these are difficult and expensive to maintain. This legislation provides a process to ensure that these historic lighthouses are maintained and publicly accessible.

I urge all my colleagues to support this legislation.

Mr. LEVIN. Mr. President, I am pleased to cosponsor the National Historic Lighthouse Preservation Act. Michigan is second only to Alaska in length of shoreline. However, Michigan is second to none in the number of lighthouses which grace its shores. Michigan has over 120 lighthouses. As such, it is most appropriate indeed that I work with my friend and colleague from Alaska, Senator MURKOWSKI, in introducing this legislation.

For centuries our nation's lighthouses have served as beacons to mariners guiding them on their journeys. Due to recent navigational advances, these lights often no longer serve the noble purpose for which they were built. The current custodian of many of these lights, the United States Coast Guard, has neither the funding nor manpower to maintain these majestic lights. This act will help ensure proper stewards are found for these American Castles, thus ensuring they will remain cultural beacons for generations to come.

Over the next 10 years the U.S. Coast Guard has said it will be transferring from its ownership at least 70 of Michigan's historic lighthouses. I have been working with the Michigan Lighthouse Project to identify future custodians of these lighthouses. This legislation is essential to facilitate the transfer of the Michigan lighthouses and other lighthouses around the country. Currently, through the existing government transfer process, there is no way to easily transfer lighthouses to nonprofit historical societies. This legislation sets up an expedited GSA process allowing lighthouses to be transferred by the government directly to nonprofit historical organizations.

This legislation is needed to allow for and facilitate the transfers of these lighthouses to non-profit historical organizations who will preserve and care for them and keep them in the ''public domain'' where they can be enjoyed by all, once they are transferred.

Last Congress I cosponsored a similar bill which passed the Senate but died in a House Committee. This Congress, we have worked with all the Federal agencies involved with lighthouse transfers as well as with the Great Lakes Lighthouse Keepers Association to develop this slightly modified bill.

I hope the National Historic Lighthouse Preservation Act will be enacted quickly so that we can begin the orderly and timely process of transferring our treasured historic lighthouses to the appropriate historical institutions that will care for them and make them accessible to the public.

By Mr. CONRAD (for himself, Mr. REID, Mr. JOHNSON, Mr. LEVIN, Mr. KENNEDY, Mrs. LINCOLN, Mr. BAYH, and Mr. ROCKEFELLER):

S. 2347. A bill to provide grants to partnerships to establish and carry out information technology training programs and to provide incentives for educators to obtain information technology certification, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

INFORMATION TECHNOLOGY ACT OF 2000

• Mr. CONRAD. Mr. President, in the past decade, the United States has experienced unparalleled economic growth. Unemployment has been low, inflation has not been a major concern and job opportunities for college graduates and many other U.S. workers have been plentiful. In so small measure, this economic achievement has been the result of the extraordinary growth and opportunities provided by the high tech industry.

According to the most recent information from the American Electronics Association (AEA), the high technology industry has added more than 1 million jobs to the U.S. economy between 1993 and 1998. High tech employment has soared from 3.9 million jobs in 1993 to more than 4.8 million jobs in 1998. The industry is one of the fastest growing segments of the U.S. economy.

In North Dakota, growth in high technology, particularly in software and computer-related services, has tracked U.S. high tech expansion. Information from the American Electronics Association shows that North Dakota was one of the few states that led the nation in the percentage of high-tech employment growth. Between 1990 and 1997, North Dakota almost doubled its high tech employment from 2,800 to 5,300 workers, a growth rate of 91 percent.

Despite this extraordinary growth in the high tech industry over the past decade, and trends which indicate that the high-tech industry will continue to be among the fastest growing job segments in the 21st century, one of the biggest challenges of the high-tech industry is ensuring an adequate supply of skilled IT workers.

In 1997, the Department of Commerce and the Information Technology Association of America (ITAA) reported on the critical shortage of skilled high-tech workers in the U.S. The ITAA released a study which estimated the current shortage of skilled workers in various information technology fields at more than 340,000. Moreover, the Department of Labor projected that our economy would require more than 130,000 jobs in information technology—systems analysts, computer scientists, and engineers—annually for the next 10 years.

Mr. President, during the closing days of the 105th Congress, the Senate took the first steps to respond to the IT worker shortage by voting to increase the annual cap on H1B visas. This increase, which I supported, enables foreign workers to be employed in the U.S. high-tech industry.

During this debate on H1B visas and the IT worker shortage, I introduced

legislation to encourage IT training partnerships between the private sector and education communities as another option for responding to the worker shortage.

Now, as the Senate returns for the 2d Session of the 106th Congress, and as projections for the IT worker shortage are increasing, the Senate will consider legislation to raise the cap on H1B visas beyond the increase approved in 1998. There are few proposals, however, to authorize significant incentives to encourage IT training for American workers. In 1998, we authorized only a small amount of funding for IT training and education from the fees collected under the H1B expansion.

There is no question that recruitment of skilled foreign workers is very important for the IT industry. Indeed, it will be necessary to increase that cap again before adjournment of the 106th Congress. Increasing the H1B visa cap alone, however, will not solve the IT worker shortage.

Congress must also examine longer term solutions to encourage the expansion of IT training and education. Many key firms, including Cisco Systems, Texas Instruments, Microsoft, EDS, Lucent and IBM, are currently providing excellent training and educational opportunities in IT. These firms are also encouraging individuals of all ages to think about career opportunities in information technology. But, without question, the demand for IT workers is growing, and raising the H1B cap by itself will not provide the skilled IT work force that is necessary in the coming decade.

Following up my initiative in the 106th Congress to authorize a tax credit for information technology training, S. 456, I am introducing the Information Technology Act of 2000 to provide additional incentives for IT training and education partnerships. I am very pleased that Senators REID, JOHNSON, LEVIN, KENNEDY, LINCOLN, BAYH, and ROCKEFELLER are joining as original cosponsors of this legislation.

The Information Technology Act of 2000 would authorize $100 million in FY 2001 in matching Federal funds through the Departments of Education and Labor to encourage IT training partnerships between the education community and private sector. The education partnerships would encourage IT training for those individuals that are the most underrepresented in the information technology field—dislocated workers, women, veterans, senior citizens, the Native American communities and students who have not completed their high school education.

Additionally, my legislation would help teachers improve their information technology teaching skills by authorizing a $5,000 bonus for educators who become certified in one or more information technology skills including integrating technology into the classroom. $100 million would be authorized annually for this program for five years beginning in FY 2001.

Currently, the Department of Education, through a number of professional development programs including the Technology Literacy Challenge Fund, offers educators a number of opportunities for training to integrate technology into school classrooms.

But according to the National Center for Education Statistics, only 20 percent of full-time public school teachers believe that they are well prepared to integrate technology into the classroom. Approximately 79 percent of teachers believe that they do not get enough help in preparing to use technology in the classroom.

The need for this technology training was also underscored in a recent survey of educators by Education Week. Highlights of this survey regarding teacher's training were reported in a Washington Post article on March 18, 2000. Clearly, teachers should be offered more opportunities for information technology training.

Mr. President, as the Senate considers options to respond to the IT worker shortage, several pending measures, including raising the H1B cap, reauthorization of the Elementary and Secondary Education Act, and tax relief legislation will provide excellent opportunities to establish a comprehensive IT worker shortage policy.

I urge my colleagues to work together during the remaining days of the 106th Congress and support a package of IT worker shortage initiatives that will help American firms not only maintain their competitive edge in the world market, but enable Americans who are not now part of the IT expansion to have that opportunity. I welcome cosponsors of the Information Technology Act of 2000. Mr. President, I ask unanimous consent that the text of this legislation and the article entitled ''Teachers Online but Disconnected,'' from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2347

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 ''Information Technology Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CERTIFIED COMMERCIAL INFORMATION TECHNOLOGY TRAINING PROVIDER.—The term ''certified commercial information technology training provider'' means a private sector provider of educational products and services utilized for training in information technology that is certified with respect to—

(A) the curriculum that is used for the training; or

(B) the technical knowledge of the instructors of such provider,

by 1 or more software publishers or hardware manufacturers the products of which are a subject of the training.

(2) DISLOCATED WORKER.—The term ''dislocated worker'' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(3) INFORMATION TECHNOLOGY CERTIFICATION.—The term ''information technology certification'' means certification in information technology, in accordance with such standards as—

(A)(i) the Computing Technology Industry Association, the Information Technology Training Association, the International Society for Technology in Education, or another information technology professional association may issue, after consultation with chief education officers of States, State boards and entities that certify or license teachers, and other entities impacted by the standards; or

(ii) a State board or entity that certifies or licenses teachers may issue, after consultation with chief education officers of States, and other entities impacted by the standards; and

(B) the Secretaries may approve.

(4) INFORMATION TECHNOLOGY TRAINING PROGRAM.—The term ''information technology training program'' means a program for the training of—

(A) computer programmers, systems analysts, and computer scientists or engineers (as such occupations are defined by the Bureau of Labor Statistics); and

(B) persons for such other occupations as are determined to be appropriate by the Secretaries, after consultation with a working group broadly solicited by the Secretaries and open to all interested information technology entities and trade and professional associations.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(6) NATIVE AMERICAN.—The term ''Native American'' means an Indian or a Native Hawaiian, as defined in section 166(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(a)).

(7) SECRETARIES.—The term ''Secretaries'' means the Secretary of Education and the Secretary of Labor, acting jointly.

(8) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

SEC. 3. INFORMATION TECHNOLOGY TRAINING PROGRAM GRANTS.

(a) IN GENERAL.—The Secretaries may make grants to eligible partnerships to pay for the Federal share of the cost of establishing and carrying out information technology training programs for minorities, women, older individuals, veterans, Native Americans, dislocated workers, and former participants in information technology training programs who have not received information technology certification.

(b) PARTNERSHIPS.—To be eligible to receive a grant under subsection (a), a partnership shall consist of—

(1) an institution of higher education; and

(2) a private organization, such as a certified commercial information technology training provider or an information technology trade or professional association.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a partnership shall submit an application to the Secretaries at such time, in such manner, and containing such information as the Secretaries may require.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 50 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost shall be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2001 and such sums as may be necessary for each subsequent fiscal year.

SEC. 4. BONUS GRANTS FOR INFORMATION TECHNOLOGY CERTIFICATION.

(a) IN GENERAL.—The Secretary of Education may make grants to appropriate organizations, to assist the organizations in awarding bonuses to teachers who achieve information technology certification.

(b) AMOUNT.—Subject to the availability of appropriations under subsection (d), the Secretary of Education shall award a grant to an organization under subsection (a) in an amount not greater than the product of $5,000 and the number of teachers described in subsection (c)(2).

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—At a minimum, the application shall contain information describing the number of teachers that—

(A) have achieved information technology certification, including such certification for integrating information technology into the classroom and a curriculum;

(B) have not previously received awards under this section; and

(C) have entered into agreements with the agency to continue to teach for the agency for periods of not less than 3 years, after receiving bonuses under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2001 through 2005.

[From the Washington Post, Sat., Mar. 18, 2000]

TEACHERS ONLINE BUT DISCONNECTED

(By Liz Seymour)

At Sanders Corner Elementary School in Loudoun County, the computer has become a teaching tool almost as basic as the textbook or the blackboard.

In third-grade science class, students have created a database to distinguish between terrestrial and aquatic animals. In fourth-grade social studies, classes explore the Web to learn about American Colonial history. In English classes in various grades, children write stories on computers and turn them into a multimedia presentation.

But what's routine at Sanders Corner is not at all typical at Jermantown Elementary School in Fairfax County. Although Jermantown has plenty of computers, its teachers say they don't know enough to take full advantage of them.

Sixth-grade teacher Eric Fleming, for example, would love to convert his students' weekly newspaper into a classroom-designed Web site where parents could see what their children had learned each day. The school's hardware and software are capable of such an effort, but he isn't. ''That's all well beyond me,'' said Fleming, considered one of Jermantown's most computer-fluent instructors. ''I need someone to teach me how to do this.''

Contrasts like the one between Sanders Corner and Jermantown—both in affluent school districts—turn up many times across the Washington suburbs, and sometimes exist within the same school. Some classrooms use computers constantly, while others rarely incorporate them into daily activities.

It is a digital divide that often has little to do with a school's supply of technology equipment; Sanders Corner has 4.4 students per computer, as does Jermantown. Nor is it necessarily a question of how much formal training a school's teachers have received.

Teachers and school officials say the gap instead boils down to the fact that some teachers are getting far more help than others in building on what they learned in technology training class. And some teachers are more motivated than others to seek such help in the first place.

Some schools, like Sanders Corner, have a full-time technology specialist who is regularly giving teachers ideas on how to use computers to enliven their lessons; many others, like Jermantown, have to share that person with other schools.

Even at a school with its own technology coach, it is ultimately up to each classroom teacher to make the effort to plan a computer-centered lesson or project. And patience, enthusiasm, learning curve and planning time can vary enormously from one teacher to another.

''There are some teachers out there who are extraordinary. They pretty much taught themselves,'' said Linda G. Roberts, director of educational technology at the U.S. Department of Education. ''Another group is using some of the resources but is easily discouraged . . . Most teachers want to learn, but they say it takes time and they need help.''

The result is that the impact of computers on instruction continues to lag behind their presence in schools, both in the Washington area and nationwide. More than 95 percent of schools and nearly two-thirds of class-rooms have computers connected to the Internet. Yet in a recent survey by the National Center for Education Statistics, 79 percent of teachers said they don't get enough help using technology in the classroom. Another poll, by Education Week magazine, found that only 50 percent of teachers support lessons with computer software.

Educators and business leaders worry that the inconsistencies threaten the popular notion that the nation's billion-dollar investment in hardware and software will lead to better learning for schoolchildren.

''We're not seeing the professional development at the level that we'd like, and there is not the integration of technology day in and day out that we'd like to see,'' said June Streckfus, executive director of the Maryland Business Roundtable, a nonprofit group of business leaders that is monitoring computer use in Maryland schools.

School administrators generally do not measure how well or how often teachers use classroom technology. Nor have schools developed guidelines on what role computers should play in the curriculum, either by academic subject or by grade level. Some school systems, such as Montgomery County, have started posting technology ideas for teachers on their Web sites, and some schools are cataloguing technology resources for class instruction.

There is no consensus among educators on how much computers benefit the learning process. But teachers who use them often in their classes say that Web browsing and educational software usually increase students' interest in a topic and sometimes trigger understanding when either teaching methods have failed.

''It's such a part of our lives,'' said Susan Jones, a fifth-grade teacher at Sanders Corner who constantly includes technology in her lessons. ''Any way I can do it, I will.''

Jones recently posed this question to her fifth-grade history class: Did Patrick Henry really commit such a heinous act as treason?

The lights went off and the Web site of Henry's last home and burial place, www.redhill.org, was projected onto a screen dangling from the black-board. Browsing the site spurred a debate among the students about Henry's motives in challenging England.

When they studied Benjamin Franklin, Jone's fifth-graders e-mailed a Web site on Franklin and got responses as if they were written by the historical figure. They also took a virtual tour of Colonial Williamsburg on www.history.org.

Jones and other teachers at Sanders Corner say they get a huge boost from having someone at the school all day whose sole job is to help them blend technology with instruction.

That person is Kathy Hayden, a technology resource teacher since 1995. Hayden was a fourth-grade instructor in Loudoun who loved using computers in class. School staff members say her advice carries weight because she truly understands a class-room teacher's job.

At Sanders Corner, Hayden started ''Tech Tuesday,'' a weekly training session that rotates among small groups of teachers with common interests or skills. She also attends planning meetings of same-grade teachers. Some-times she will teach a lesson with a classroom instructor who is shy about using computers.

Ricki Fellows had been teaching for 23 years but rarely used computers with her students until she arrived at Sanders Corner last fall and got some coaching from Hayden. ''I had some mixed feelings about it,'' Fellows said. ''It was really fear of the unknown.''

Now, that fear is gone. Recently Fellows's third-graders went on a field trip to the Smithsonian Institution. With a digital camera, she snapped photos of Egyptian art for social studies class, and rocks and minerals for science. Back in class, the students downloaded the film, selected photos, and wrote and edited essays on their computers about what they had seen at the museum.

''I really am excited again about teaching,'' Fellows said. ''I'm learning and I'm growing—that's what it's all about.''

The Maryland Business Roundtable has urged school districts to put a full-time technology specialist in every school. Loudoun already does that, but most Washington area districts don't.

''After you're trained, you can't ask anyone any questions,'' said Ann Mallon, a first-grade teacher at Jermantown Elementary, which shares a technology specialist with six other schools, the typical ratio in Fairfax County's school system. ''When we don't have a person here, we stop using the programs.''

Fairfax school officials have proposed spending $4 million to hire an additional 114 technology specialists, so that each would be assigned to no more than two schools.

But even teachers who have regular access to an expert coach say they don't get enough planning time to develop computer-based lessons. In many cases, teachers say, they spend hours on their home computers rummaging for Web sites.

In coming weeks, Kim Price will teach meteorology to her fourth-graders at Fairfax's Crossfield Elementary by having them create a weather map based on data they find on the Web. ''This is the coolest thing I've ever done,'' she said.

It also took her an entire school day and about three hours on her computer at home to develop the project and write the instructions on a specially designed Web site.

''This is one of the problems,'' said Price, whose school has a part-time specialist. ''It takes hours to do anything worthwhile. If you have a half-hour to 45 minutes in any one block of planning time, that's not enough.''

More planning time must be built into teachers' schedules, at least until they acquire more hands-on experience with their computers, said Roberts, the U.S. Department of Education official.

As for the formal computer training their school systems provide, most of the teachers interviewed said it is usually just a few hours at the beginning of the school year and covers only the basics.

Patrick F. Chorpenning Jr., who teaches government at Fairfax's West Potomac High School, says he seldom bother to take such courses. Chorpenning acquired his technology know-how during his former career as a business executive, and he says he has learned on his own how to use computers in his classes.

He projects Web sites in his classroom to illustrate various points about today's politics, and he gives students lists of sites to peruse and assigns them to report back on what they find.

Education officials and business leaders say making computers a more standard part of instruction will require more spending on teacher training and tougher standards for technology competency.

Virginia has established teacher competency standards in technology, although they are not related to a teacher's recertification. Maryland has no such requirements.

Business executives also have urged teacher colleges to assess whether they are giving students enough technology advice. Surveys have shown that even recent graduates of such programs, who were raised with computers, are poorly prepared to use them in class.

At Jermantown Elementary, teachers' computer literacy is likely to be higher next year. Because it is merging with another school and is being designated a ''focus school'' for communications and art, Jermantown will get three fully-time technology specialists, as well as more computers.

''A whole new world will open up,'' said Susan D. Kane, the school's principal. ''You can see where they're at now—where you do what you can and you hope for the best.''●

● Mr. LEVIN. Mr. President, I am pleased to join Senator CONRAD and Senator REID in introducing the Information Technology Act. The dual goal of this legislation is to ensure that every teacher in America has the ability to integrate technology into the classroom and the curriculum; and to train our citizens to meet the demand for the thousands of jobs that will need to be filled in the next decade.

Mr. President, our legislation establishes two initiatives that are aimed at achieving these goals. First, it authorizes $100 million for the creation of a Teacher Tech Bonus in the amount of $5,000. The bonuses will be awarded to teachers who successfully train and receive certification in the use of technology in the classroom and in the curriculum, or teachers who become certified to teach courses in computer technology. Bonuses would be provided by the U.S. Department of Education through grants to Local Education Agencies (LEA). As a condition for receipt of bonuses, teachers are required to enter into agreements with their LEA to continue to teach within that LEA for periods of not less than three years, and such other requirements as established by the Secretary. This provision of the Information Technology Act is essential, if we are going to realize the full potential of our investment in new technology in the classroom. So few of our school districts have been able to offer state-of-the-art training, or any training at all for that matter, to their teaching staff. Students today are in the midst of a technology explosion that has opened up limitless possibilities in the classroom. In order for them to tap into this potential and be prepared for the jobs of the 21st century, they must learn how to use new technologies. But all too often, teachers are expected to incorporate technology into their instruction without being given the training to do so. It is not enough for teachers to be able to email or use computers to keep attendance or grade their students, they must use this education technology to advance their curriculum. According to a recent survey by the National Center for Education Statistics, 79 percent of teachers said they do not get enough help using technology in the classroom. Last year, a report by Education Week's National Survey of Teachers' Use of Digital Content revealed some startling findings relative to the lack of teacher training in integrating technology into the curriculum. In a national poll of over 1,400 teachers, 36 percent of teachers responded that they received absolutely no training in integrating technology in the curriculum; another 36 percent said they had only received 1 to 5 hours of such training; 14 percent received 6 to 10 hours of such training; and only 7 percent received between 11–20 hours.

In a very in-depth look at Michigan schools and technology several years ago, I learned that despite the utilization of education technology in a few localities, Michigan as a whole was below the national average in every measure of the use of technology in our schools. Michigan ranked 44 in teacher training in the use of technology. Ten percent of Michigan teachers reported that they had less than 9 hours of technology training. Michigan ranked 32 among the states in the ratio of students per computer. These findings propelled me in a direction that has resulted in a number of initiatives to turn Michigan around—to raise the State's use of education technology. I convened an Education Technology Summit that brought together over 400 business leaders, school administrators, school board members, foundation representatives, deans of Michigan's colleges of education and others to identify ways in which Michigan could excel in the area of Education technology.

Some key elements of the plan of action which followed that Education Technology Summit include the formation of a consortium that will establish the Nation's highest standards for training and certifying new teachers to use technology in the classroom and to integrate it into the curriculum. Beginning with the 1999–2000 academic year, the Consortium for Outstanding Achievement in Teaching with Technology {COATT} will award special credentials to new teachers who have demonstrated an exceptional ability to use information technology as a teaching tool. The legislation we are introducing today supports and compliments this effort in Michigan. It will advance current efforts in my state to excel in education technology. And it will advance education technology across this Nation. Our legislation provides an incentive and a reward that will result in effectively equipping more and more teachers with the technology expertise they need to stimulate the interests of their students, raise student potential for learning, and increase student achievement. It has been a pleasure working with Senator CONRAD in fine tuning specific provisions of this legislation to more directly reflect the successful model we've created in my home state for giving special recognition to new teachers who are able to apply technology in classroom instruction.

I am pleased that the formation of COATT gives my state a head start in this direction. And, I am delighted that such an impressive slate of higher educational institutions from Michigan have signed on to the COATT initiative, including Albion College, Andrews University, Eastern Michigan University, Ferris State University, Lake Superior State University, Michigan State University, Oakland University, University of Detroit-Mercy, University of Michigan, University of Michigan-Dearborn, Wayne State University and Western Michigan University. New teachers with COATT credentials will have an advantage in the job market and school districts will benefit by knowing which applicants are qualified in using technology effectively in their instruction. The letter of agreement signed by each COATT member in committing their institutions to provide the resources to achieve the success of the COATT initiative is included at the end of my remarks. Michigan is already recognized as a leader in producing new teachers and if we set our minds to it, I'm convinced we can be one of the best in the nation when it comes to teaching teachers how to integrate technology in the classroom and into the curriculum.

I'd like to mention yet another key effort I've led to advance Michigan's standing in education technology. It is the establishment of the Teach for Tomorrow Project (TFT), which provides on-line and in-person technology training, including credentials, to in-service teachers, who then return to their schools and teach other teachers what they have learned. By using technology to teach the technology, training can be accessed statewide and at a time and location which are convenient to the learners. Central Michigan University has approved the use of TFT materials as a professional development course eligible for graduate credit

hours when done in conjunction with local onsite training. Under the legislation we are now introducing, teachers may also qualify for a bonus if they train and become certified to teach other teachers.

Finally, Mr. President, the legislation we are introducing creates an Information Technology Training initiative through which Federal matching grants would be awarded to partnerships between higher educational institutions, or a private organization or a business, which may include a commercial information technology training provider and information technology trade or professional association, to provide training and education to individuals who are under-represented in the information technology profession. Under-represented individuals would include, but not be limited to, such individuals as dislocated workers, veterans, students who have not completed their high school education, older Americans, women, individuals who have already received training but have not been certified, and others. The bill also authorizes $100 million for this provision, which requires a 50 percent non-Federal match requirement that may be in the form of cash, equipment and/or in-kind services.

This legislation, The Information Technology Act, will be good for our schools. It will be good for the U.S. economy. I urge its speedy enactment. In closing, I would like to share with my colleagues the organizational endorsements of this legislation, which include: The National Education Association, Technology Workforce Coalition, Computing Technology Industry Association, American Society for Training and Development, Information Technology Training Association, Green Thumb, International Society for Technology in Education, American Association of University Women, Consortium for School Networking, and the Software Information Industry Association.

Mr. President, I ask unanimous consent to print in the RECORD the COATT member agreement signed by higher education institutions in Michigan.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSORTIUM FOR OUTSTANDING ACHIEVEMENT IN TEACHING WITH TECHNOLOGY LETTER OF AGREEMENT

We, the undersigned, commit our institutions to be members of the Consortium for Outstanding Achievement in Teaching with Technology (COATT). In doing so our institutions accept the following requirements.

(1) Each institution shall designate a faculty liaison to COATT. This person will participate in an annual review of the COATT standards and participate in periodic meetings with other core members of the COATT organization.

(2) Each institution shall designate a person to act as a point of contact within the institution for potential COATT candidates.

(3) Each institution shall promote COATT to potential candidates. This might occur through flyers, regular newsletters, publications, placement files, etc.

(4) Each institution shall provide adequate and relevant learning opportunities in the application of educational technology for students who wish to acquire COATT certification.

(5) Each institution shall provide adequate resources for COATT applicants to produce, maintain, and gain access to their COATT digital portfolios.

(6) Each institution shall be responsible for recommending and pre-certifying COATT applicants.

(7) Each institution shall involve its faculty and other qualified personnel in COATT evaluation teams.

By signing below, we understand that we are committing our institutions to provide the personnel resources, and opportunities described in the above seven points. We recognize that this level of commitment is crucial to the success of the COATT initiative.

Reuben Rubio, Director of the Ferguson Center for Technology-Aided Teaching, Albion College; Dr. Niels-Erik Andreasen, President, Andrews University; Dr. Jerry Robbins, Dean of the School of Education; Eastern Michigan University; Dr. Nancy Cooley, Dean of the College of Education, Ferris State University; Dr. David L. Toppen, Executive Vice President and Provost, Lake Superior State University; Dr. Carole Amers, Dean of the College of Education; Michigan State University; Dr. Jantes Clatworthy, Associate Dean of the School of Education and Human Resources, Oakland University; Aloha Van Camp, Acting Dean of the College of Education and Human Services, University of Detroit-Mercy; Dr. Karen Wixson, Dean of the School of Education, University of Michigan; Dr. Robert Simpson, Provost, University of Michigan-Dearborn; Dr. Paula Wood, Dean of the College of Education, Wayne State University; Dr. Alonzo Hannaford, Associate Dean of the College of Education, Western Michigan University.

By Mr. WELLSTONE:

S. 2348. A bill to provide for fairness and accuracy in student testing; to the Committee on Health, Education, Labor, and Pensions.

FAIRNESS AND ACCURACY IN STUDENT TESTING ACT

Mr. WELLSTONE. Mr. President, education is, among other things, a process of shaping the moral imagination, character, skills and intellect of our children, of inviting them into the great conversation of our moral, cultural and intellectual life, and of giving them the resources to prepare to fully participate in the life of the nation and of the world.

But today in education there is a threat afoot to which I would like to call your attention: the threat of high-stakes testing being grossly abused in the name of greater accountability, and almost always to the serious detriment of our children.

Allowing the continued misuse of high-stakes tests is, in itself, a gross failure of moral imagination, a failure both of educators and of policymakers, who persistently refuse to provide the educational resources necessary to guarantee an equally rich educational experience for all our children. That all citizens will be given an equal start through a sound education is one of the most basic, promised rights of our democracy. Our chronic refusal as a nation to guarantee that right for all children, including poor children, is a national disgrace.

Today I am introducing legislation that would stem the growing trend of misusing high stakes tests. The legislation would require that states and districts use multiple measures of student performance in addition to standardized tests if they are going to use tests as part of a high stakes decision. The amendment will also require that if tests are used, they must be valid and reliable for the purposes for which they are used; must measure what the student was taught; and must provide appropriate accommodations for students with limited English proficiency and disabilities.

I would like to explain exactly why this bill would be so important and why I seek your support for it. If there is any question about whether or not we have, as a nation, overemphasized high stakes standardized testing, and if there is any question that this overemphasis has taken so much of the excitement out of teaching and learning for so many people across the country, I would like to open my remarks with some excerpts from a newspaper article from one of our state capitols earlier this year. The state is in the process of implementing high stakes tests for promotion. This article addresses how schools and students in the state are dealing with the preparation and stress of the pending high stakes test. The test, which lasts five days, will determine, among other things whether students will be promoted and whether schools will be sanctioned for poor performance.

The article describes one teacher who said, ''I'm thinking about letting us have a scream day sometime in March, when we just go outside and scream,'' and it continues, ''her principal . . . is keenly aware of the stress on both students and teachers. He told teachers during a meeting . . . that he expects some students to throw up during the test. He arranged to have all of the school's janitors on duty to clean up any messes.''

It is no wonder that students are stressed. According to the article, ''For the past eight weeks, Northwestern's school billboard has been updated daily with the number of school days left until the test.''

When I read this story, I wonder why we cannot let children be children? Why do we impose this misplaced pressure on children as young as eight years old? When I see what is happening around the country, with more and more states and districts adopting the harsh agenda of high stakes testing policies, I am struck by National Education Association President Bob Chase's comparison of all of these educational trends to the movie, ''Field of Dreams.'' In my view, it is as though people are saying, ''If we test them, they will perform.'' In too many places,

testing, which is a critical part of systemic educational accountability, has ceased its purpose of measuring educational and school improvement and has become synonymous with it.

Making students accountable for test scores works well on a bumper sticker and it allows many politicians to look good by saying that they will not tolerate failure. But it represents a hollow promise. Far from improving education, high stakes testing marks a major retreat from fairness, from accuracy, from quality and from equity.

It is ironic, because standardized tests evolved historically as one way to ensure more equal opportunity in education. They are supposed to be an instrument of fairness because they are graded objectively and allow any person, regardless of background, to demonstrate their skill.

When used correctly, standardized tests are critical for diagnosing inequality and for identifying where we need improvement. They enable us to measure achievement across groups of students so that we can help ensure that states and districts are held accountable for improving the achievement of all students regardless of race, income, gender, limited English proficiency and disability. Tests are a critical tool, but, they are not a panacea.

The abuse of tests for high stakes purposes has subverted the benefits tests can bring. Using a single standardized test as the sole determinant for promotion, tracking, ability grouping and graduation is not fair and has not fostered greater equality or opportunity for students. First, standardized tests can not sufficiently validly or reliably assess what students know to make high stakes decisions about them.

The 1999 National Research Council report, ''High Stakes,'' concludes that ''no single test score can be considered a definitive measure of a student's knowledge,'' and that ''an educational decision that will have a major impact on a test taker should not be made solely or automatically on the basis of a single test score.''

The ''Standards for Educational and Psychological Testing,'' 1999 Edition, which has served as the standard for test developers and users for decades, asserts that: ''In educational settings, a decision or a characterization that will have a major impact on a student should not be made on the basis of a single test score.''

Even test publishers, including Harcourt Brace, CTB McGraw Hill, Riverside and ETS, consistently warn against this practice. For example, Riverside Publishing asserts in The ''Interpretive Guide for School Administrators'' for the Iowa Test of Basic Skills, ''Many of the common misuses (of standardized tests) stem from depending on a single test score to make a decision about a student or class of students.''

CTB McGraw Hill writes that ''A variety of tests, or multiple measures, is necessary to tell educators what students know and can do . . . the multiple measures approach to assessment is the keystone to valid, reliable, fair information about student achievement.''

There are many reasons tests cannot be relied upon as the sole determinant in making high stakes decisions about students. The National Research Council describes how these tests can be unreliable. The Council concludes that ''a student's test score can be expected to vary across different versions of a test . . . as a function of the particular sample questions asked and/or transitory factors, such as the student's health on the day of the test. Thus, no single test score can be considered a definitive measure of a student's knowledge.''

The research of David Rogosa at Stanford University shows how test scores are not valid, in isolation, to make judgements about individual achievement. His study of California's Stanford 9 National Percentile Rank Scores for individual students showed that the chances that a student whose true score is in the 50th percentile will receive a reported score that is within 5 percentage points of his true score are only 30% in reading and 42% on ninth grade math tests.

Rogosa also showed that on the Stanford 9 test ''the chances, . . . that two students with identical ''real achievement'' will score more than 10 percentile points apart on the same test'' is 57% for 9th graders and 42% on the fourth grade reading test. This margin of error shows why it would not be fair to use a cut-score in making a high stakes decision about a child.

Robert Rayborn, who directs Harcourt's Stanford 9 program in California reenforced these findings when asked about the Stanford 9. He said, ''They should never make high-stakes individual decisions with a single measure of any kind,'' including the Stanford 9.

Politicians and policy makers who continue to push for high stakes tests and educators who continue to use them in the face of this knowledge have closed their eyes to clearly set professional and scientific standards. They demand responsibility and high standards of students and schools while they let themselves get away with defying the most basic standards of the education profession.

It would be irresponsible if a parent or a teacher used a manufactured product on children in a way that the manufacturer says is unsafe. Why do we then honor and declare ''accountable'' policy makers and politicians who use tests on children in a way that the test manufacturers have said is effectively unsafe?

There is no doubt that when mistakes are made, the consequences are devastating. The bad effects of retention in grade have been clearly established in science. Study after study shows that retention leads to poorer academic performance, higher dropout rates, increased behavioral problems, low self-esteem and higher rates of criminal activity and suicide. Research on high school dropouts indicates that students who do not graduate are more likely to be unemployed or hold positions with little or no career advancement, earn lower wages and be on public assistance.

On a more immediate level, many of my colleagues will remember how 8,600 students were mistakenly held in summer school because their tests were graded incorrectly.

When we talk about responsibility, what could be more irresponsible than using an invalid or unreliable measure as the sole determinant of something so important as high school graduation or in-school promotion?

The effects of high stakes testing go beyond their impact on individual students to greatly impact the educational process in general. They have had a deadening effect on learning.

Again, research proves this point. Studies indicate that public testing encourages teachers and administrators to focus instruction on test content, test format and test preparation. Teachers tend to overemphasize the basic skills, and underemphasize problem-solving and complex thinking skills that are not well assessed on standardized tests. Further, they neglect content areas that are not covered such as science, social studies and the arts.

For example, in Chicago, the Consortium on Chicago School Research concluded that ''Chicago's regular year and summer school curricula were so closely geared to the Iowa test that it was impossible to distinguish real subject matter mastery from mastery of skills and knowledge useful for passing this particular test.'' These findings are backed up by a recent poll in Texas which showed that only 27% of teachers in Texas felt that increased test scores reflected increased learning and higher quality teaching. 85% of teachers said that they neglected subjects not covered by the TAAS exam.

Stories are emerging from around the country about schools where teachers and students are under such pressure to perform that schools actually use limited funds to pay private companies to coach students and teachers in test taking strategies. According to the ''San Jose Mercury News,'' schools in East Palo Alto, which is one of the poorest districts in California, paid Stanley Kaplan $10,000 each to consult with them on test taking strategies. According to the same article, ''schools across California are spending thousands to buy computer programs, hire consultants, and purchase workbooks and materials. They're redesigning spelling tests and math lessons, all in an effort to help students become better test takers.'' The teacher from the article I mentioned before had even bought blank score sheets with bubbles on them so students can practice filling in circles.

The richness and exploration we want our own children to experience is being sucked out of our schools. I was moved by an op-ed I read recently in the New York Times. It was written by a fifth grade teacher, who obviously had a great passion for his work. He said, ''But as I teach from day to day . . . I no longer see the students in the way I once did—certainly not in the same exuberant light as when I first started teaching five years ago. Where once they were 'challenging' or 'marginal' students, I am now beginning to see 'liabilities.' Where once there was a student of 'limited promise,' there is now an inescapable deficit that all available efforts will only nominally affect.'' Children are measured by their score, not their potential, not their diverse talents, not the depth of their knowledge and not their character.

It has been clearly established through research that high stakes tests for individual students, when used in isolation, are fatally flawed. I would, however, also like to address a general issue that this bill does not address directly, but that I think is really what all of this is about in the end. The trend towards high stakes testing represents a harsh agenda that holds children responsible for our own failure to invest in their future and in their achievement. I firmly believe that it is grossly unfair, for example, to hold back a student based on a standardized test if that student has not had the opportunity to learn the material covered on the test. When we impose high stakes tests on an educational system where there are, as Jonathan Kozol says, ''savage inequalities,'' and then we do nothing to address the underlying causes of those inequalities, we set up children to fail.

People talk about using tests to motivate students to do well and using tests to ensure that we close the achievement gap. This kind of talk is backwards and unfair. We cannot close the achievement gap until we close the gap in investment between poor and rich schools no matter how ''motivated'' some students are. We know what these key investments are: quality teaching, parental involvement, and early childhood education, to name just a few.

But instead of doing what we know will work, and instead of taking responsibility as policy makers to invest in improving students' lives, we place the responsibility squarely on children. It is simply negligent to force children to pass a test and expect that the poorest children, who face every disadvantage, will be able to do as well as those who have every advantage.

When we do this, we hold children responsible for our own inaction and unwillingness to live up to our own promises and our own obligations. We confuse their failure with our own. This is a harsh agenda indeed, for America's children.

All of us in politics like to get our picture taken with children. We never miss a ''photo op.'' We all like to say that ''children are our future.'' We are all for children until it comes time to make the investment. Too often, despite the talk, when it comes to making the investment in the lives of our children, we come up a dollar short.

Noted civil rights activist Fannie Lou Hamer used to say, ''I'm sick and tired of being sick and tired.'' Well I'm sick and tired of symbolic politics. When we say we are for children, we ought to be committed to invest in the health, skills and intellect of our children. We are not going to achieve our goals on a tin cup budget. Unless we make a real commitment, unless we put our money where our mouth is, children will continue to fail.

If one does not believe that failure on tests has to do with this crushing lack of opportunity, look at who is failing. In Minnesota, in the first round of testing, 79% of low income students failed the reading portion of the high school exit exam and 74% failed the math part. It is unconscionable.

We must never stop demanding that children do their best. We must never stop holding schools accountable. Measures of student performance can include standardized tests, but only when coupled with other measures of achievement, more substantive education reforms and a much fuller, sustained investment in schools.

When we use high stakes tests as the sole determinant in making decisions about students, we get the sequence backwards. We lose sight of our fundamental objective—to provide children with the tools they need to achieve, to think critically and to understand deeply the material they need to meet high standards. We cannot get away with making children pay for our failure to provide them with the high quality education they need, deserve and is their right.

Gunnar Myrdal said that ignorance is never random. If we ignore what science tells us, if we close our eyes to the impact of high stakes tests, we can continue as we are now—sounding good while doing bad. The Fairness and Accuracy in Student Testing Act would be a strong step in the the right direction—toward fairness and equity and accuracy and a love of learning that will last children their lifetimes.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 2349. A bill to amend part D of title IV of the Social Security Act to permit States with proven cost-effective and efficient child support collection systems to continue to operate such systems; to the Committee on Finance.

CHILD SUPPORT COLLECTION SYSTEMS LEGISLATION

• Mr. ENZI. Mr. President, I rise today to introduce legislation with my colleague Senator THOMAS that would give a small amount of States the flexibility to operate their locally-run child support systems. Wyoming's Parental Obligation System for Support Enforcement [POSSE] fulfills the federal requirements for effective child support collections and disbursement. For example, Wyoming has increased child support collections by 140 percent since establishing its federally mandated automated network in 1995. Comparatively, the increase of child support collections nationwide since 1995 is only 49 percent. POSSE has proven to be the most cost-effective and efficient way to assist Wyoming's children and families.

However, a provision was included in the 1996 welfare reform law that requires States to establish a single address for the collection and disbursement of all wage-withholding child support payments. Although the intent was to relieve employers of burdensome redtape, the welfare reform law does not allow employers to continue submitting payments locally. My State's children and families and the business community benefit from the local system due to the convenience factor for its participants. Most importantly, POSSE is already achieving the desired results with the current local system in place. Clearly, this single address requirement is a one-size-fits-all solution to a problem that does not accommodate Wyoming.

The bill we are introducing today would amend Part D of title IV of the Social Security Act to permit States with proven cost-effective and efficient child support collection systems to continue to operate such systems. States can continue to operate their current systems if they meet the following criteria: the State has established an automated data tracking system; the State allows employers to send all wage withholding payments to a single address; and, the State provides data on a quarterly basis that demonstrates under the current system, for the most recent four fiscal year quarters, that at least 90 percent of all child support obligations paid are disbursed within two business days after receipt. My home State of Wyoming effectively and consistently meets these criteria.

The legislation we are introducing today would give States more flexibility to operate their local system; however, States must adhere to federal performance standards in order to maintain State and local flexibility. As Senator THOMAS stated, what works for one state does not necessarily yield the same results in another. Wyoming's system works.•

• Mr. THOMAS. Mr. President, I rise today to introduce legislation with my colleague Senator ENZI that would allow states to continue to operate their locally run child support systems. Since establishing its federally mandated automated network in 1995, the State of Wyoming has increased child support collections by 140 percent. Over 98 percent of the payments are processed within 2 days. Not only does Wyoming measure up to the Federal requirements for effective child support

collections and disbursement, it far exceeds the bar. Under the award-winning Parental Obligation System for Support Enforcement [POSSE], which is administered by the Clerks of the District Court, the clear winners are Wyoming's children and families.

Unfortunately, that stands to change. Due to a provision of the 1996 welfare reform law, states are required to establish a single address for the collection and disbursement of all wage-withholding child support payments. The intent of the law was to relieve employers from mailing payments to numerous locations, as part of a greater effort to improve child support collections across the nation. While these goals are certainly laudable, the law does not allow employers to continue submitting payments locally, even if it is more convenient for them to do so, and even if a state's localized system is already achieving the desired results. Ultimately, states are being forced to make changes to correct a problem they may not have, and they could end up creating new ones along the way.

Simply put, the legislation we are introducing today would give states the flexibility to operate their local systems—as long as they continue to meet federal performance standards. One size does not fit all. Methods that work well in Chicago, Illinois do not necessarily yield the same results in Chugwater, Wyoming. In this case, the results in Wyoming speak for themselves.

I look forward to working with the chairman of the Senate Finance Committee to pass this important measure.●

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2350. A bill to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah; to the Committee on Energy and Natural Resources.

DUCHESNE CITY WATER RIGHTS CONVEYANCE ACT

Mr. HATCH. Mr. President, I rise today to introduce the Duchesne City Water Rights Conveyance Act. This bill will resolve an issue, nearly a century old, that has kept the city of Duchesne, Utah, from obtaining title to water rights that have been reserved for the city's use. The solution I propose is simple and long overdue. It is the result of careful negotiations between the city and the Ute Indian Tribe of the Uintah and Ouray Reservation. I congratulate both these parties for coming together to resolve this issue.

In 1905, the city of Duchesne, Utah was established when the Secretary of Interior directed the Commissioner of Indian Affairs to select certain tracts of land in the Uintah Indian Reservation for the town site. At the time, the acting Indian Agent for the Unitah Indian Reservation filed applications to appropriate water to the municipal and domestic uses. The U.S. Indian Service was designated as the holder of these of three water rights.

Mr. President, for many years, efforts have been made to clear the title to these water rights in the name of Duchesne City, but these efforts have been unsuccessful, because the U.S. Indian Service no longer exists. The extinction of the U.S. Indian Service has created a legal anomaly, making it impossible to transfer the water rights of Duchesne.

The water in question has always been used by Duchesne, and neither the Bureau of Indian Affairs, the Department of the Interior, nor the Ute Indian Tribe claims any right in the use of this Water. In fact they are supportive of this legislation which ties up a legal loose end a manner agreed with upon both Indian Tribe and the city of Duchesne.

Mr. President, I thank the Senate for the opportunity to address this issue this today, and I urge my colleagues to support this legislation.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2351. A bill to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute India tribe of Utah, and for other purposes; to the Committee on Indian Affiars.

SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE OF UTAH WATER RIGHTS SETTLEMENT ACT

Mr. HATCH. Mr. President, I am pleased to rise today, along with my colleague, Senator BENNETT to introduce the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act, which will finally provide a settlement of water rights issues of the Santa Clara River in Washington County, Utah. This settlement is an important piece of the Virgin River Adjudication, which was initiated by the State of Utah in July of 1980.

To understand the consequence of this bill, Mr. President, it is important to keep in mind that Washington County is the driest county in Utah, and Utah is the second driest state in the Union. The Santa Clara river is a fairly small river which runs through the Shivwits Band's reservation near the city of St. George, Utah. This water must be shared by the Washington County Water Conservancy District, the city of St. George, the town of Ivins, the town of Santa Clara, and the Shivwits Band, and an endangered fish species. Needless to say, finding a settlement on the use of this water was not simple, but it has been achieved. I would like to publicly praise all the parties that came together and put the agreement together.

One of the benefits of this legislation is the St. George Water Reuse Project. This project will provide 2,000 acre-feet of treated water for the Shivwits Band. This settlement will also establish the Santa Clara Project. This project will provide a pressurized pipeline from the nearby Gunlock Reservoir and will deliver a total of 1,900 acre-feet of water to the Shivwits Band.

Mr. President, the project will also provide that sufficient water remains in the Santa Clara river for the survival of the Virgin Spinedace, an endangered fish species. In addition, the Secretary of Interior will be authorized to establish a program to purchase water rights and habitat in the Virgin River Basin for fish and other species.

As you can see, Mr. President, this agreement provides an excellent balance between the needs of the cities, the Shivwits Band, and the environment. It is no wonder that this legislation has the support of all interested parties. I urge my colleagues in the Senate to give this proposal their full support.

By Mr. GRAHAM:

S. 2352. A bill to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

WEKIVA WILD AND SCENIC DESIGNATION ACT

● Mr. GRAHAM. Mr. President, thank you for allowing me this opportunity to introduce legislation affecting the Wekiva River, which is located east central Florida.

With millions of people moving to Florida every year and the resulting urban sprawl, we must work to preserve our state's natural treasures. The Wekiva River is worthy of our protective efforts.

The Wekiva River and the Wekiva River Basin are unique and important river habitats because of their outstanding scenic, recreational, fishery, wildlife, historic, cultural, and water quality values. The Wekiva River Basin is home to many species of wildlife including Florida black bears, sandhill cranes, turkeys, and burrowing owls. Fossils of prehistoric mammals, such as saber tooth cats, mastodons, and giant sloths, have been found along the length of the river.

Generations of Floridians and Florida visitors have enjoyed the beauty and tranquility of the Wekiva River. It is a popular spot for canoeing, camping, hiking, and trail biking because of its intrinsic beauty and quintessential Florida appeal.

The legislation I introduce today will declare the Wekiva River a Wild and Scenic River and preserve it for the future enjoyment of Floridians and visitors to Florida. Today, the House Resources Committee, National Parks and Public Land Subcommittee will hold a hearing on this bill. Mr. President, I hope that we will move forward soon in the Senate.●

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. MURKOWSKI, Ms. JOHNSON, and Mr. STEVENS):

S. 2353. A bill to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III; to the Committee on Indian Affairs.

LEGISLATIVE FIX FOR TRIBAL COLLEGES AND UNIVERSITIES AND ALASKA NATIVE AND NATIVE HAWAIIAN SERVING INSTITUTIONS

• Mr. AKAKA. Mr. President, I rise to introduce a bill that represents a simple, straightforward correction of an inequity that is negatively impacting some of this country's most underfunded institutions of higher education. These include Tribal Colleges and Universities and Alaska Native and Native Hawaiian Serving Institutions.

Many of these institutions apply for Institutional Aid under Title III of the Higher Education Act. Title III provides grants to a specific set of colleges and universities that serve disproportionate numbers of minority, low-income, and first generation college students.

These institutions have considerable impact on improving the quality and quantity of educational and career opportunities for their students, who face unique socio-economic barriers. Title III was created to help improve and expand the academic capacity of institutions specifically established and committed to serving these students.

In 1998, Part A of Title III, the Strengthening Developing Institutions Program, was amended by the Higher Education Amendments to introduce a special program for Tribal Colleges and Universities and for Alaska Native and Native Hawaiian Serving Institutions. This was a positive step in recognizing the needs of these distinctive institutions and the populations that they serve.

However, the Higher Education Amendments of 1998 also instituted a change that requires grantees to ''wait out'' for at least two years at the end of their grant before applying for a new grant. This wait out period was originally created to ensure that Title II funding would reach the maximum number of students and institutions as possible.

The provision applied to all Title II grantees with the exception of Historical Black Colleges and Universities, which receive formula funding under the title. Before the higher education reauthorization became law, Hispanic Serving Institutions were transferred to a new title so that the wait out period no longer applied to them.

Therefore, as signed into law, the wait out only affects Sections 316 and 317, which cover Tribal Colleges and Universities and Alaska Native and Native Hawaiian Serving Institutions. In my State of Hawaii, this involves the major college campuses and community colleges in the University of Hawaii system, which essentially affects the entire State.

This bill, which I am introducing along with my colleagues—Senators INOUYE, MURKOWSKI, JOHNSON and STEVENS—would make a technical change exempting Sections 316 and 317 from the harmful two-year wait out requirement. Similar legislation, H.R. 3629, was introduced in the House of Representatives on February 10th of this year.

This legislation must be passed immediately because any delay in continued assistance can prove critical for any college or university serving small, disadvantaged, populations.

Furthermore, because the applicant pool for Title III, Part A, assistance is already so limited in size, the failure to exempt institutions from the two-year wait out provision will likely result in no institutions being eligible to apply for future funds under this program. We must not allow this unnecessary scenario to come about. Currently, there are six institutions in the states of Washington, Montana, California, North Dakota, and South Dakota that are currently stuck in the first year of their two-year wait out period.

This non-controversial correction has broad support in the higher education community and obviously from the institutions that will be negatively affected. I strongly urge that my colleagues join me in pushing this simple change forward to correct a problem that, if unaddressed, will have adverse impacts on Tribal Colleges and Universities and Alaska Native and Native Hawaiian Serving Institutions, and the students that they serve.•

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2354. A bill to amend the Internal Revenue Code of 1986 to prevent the duplication of losses through the assumption of liabilities giving rise to a deduction; to the Committee on Finance.

REVISED REVENUE PROVISION FOR THE TRADE AND DEVELOPMENT ACT OF 1999

Mr. ROTH. Mr. President, I rise today to introduce—along with Senator MOYNIHAN—a bill that will clarify a revenue provision that has been reserved for the Trade and Development Act of 1999.

Last fall, the Senate Finance Committee reserved from the Tax Relief Extension Act of 1999 a revenue provision regarding the prevention or duplication of loss through assumption of liabilities, for inclusion in the Trade and Development Act of 1999. This revenue provision addresses a tax-avoidance transaction in which the assumption of certain liabilities or potential liabilities may permit the acceleration or duplication of a loss attributable to those liabilities. The bill that Senator MOYNIHAN and I introduce more precisely defines the types of transactions that are excepted from this revenue provision. Our bill is offered as a substitute for last fall's provision, and we introduce it today seeking public comment.

By Mr. SANTORUM:

S. 2355. A bill to amend the Individuals with Disabilities Education Act to modify authorizations of appropriations for programs under such act; to the Committee on Health, Education, Labor, and Pensions.

THE GROWING RESOURCES IN EDUCATIONAL ACHIEVEMENT FOR TODAY AND TOMORROW ACT

• Mr. SANTORUM. Mr. President, today, I am introducing legislation to dramatically increase funding for the Individuals with Disabilities Act (IDEA). My legislation would more than double the federal commitment to IDEA funding within four years. The legislation, ''Growing Resources in Educational Achievement for Today and Tomorrow'' (GREATT IDEA) will take significant steps toward fulfilling the federal commitment to IDEA funding. The legislation will also free up additional funds for local school districts to be spent on their highest priorities, whether it be teacher training or salaries, reducing class sizes, school construction, library resources, technology, or music and arts education. The legislation is supported by the Pennsylvania School Boards Association and Pennsylvania Governor Tom Ridge who chairs the education committee of the National Governor's Association.

Every child is deserving of a high-quality education in an environment that encourages them to learn and grow to the best of their ability. Thanks to IDEA, many students are learning and achieving at levels previously thought impossible, graduating from high school, going to college and entering the workforce as productive citizens. We must encourage this progress and continue to give parents and teachers the resources they need to create opportunities for special children. By boldly increasing the IDEA funding level, we can keep more students in schools and help them achieve new measures of success.

Prior to IDEA's implementation in 1975, approximately 1 million children with disabilities were shut out of schools and hundreds of thousands more were denied appropriate services. Since then, IDEA has helped change the lives of these children. Congress had originally committed to cover 40 percent of IDEA's costs when it passed the original IDEA bill in 1975, with the remaining balance to be met by local communities and states. Over the years, however, while the law itself continues to work and children are being educated, the intended cost-sharing partnership has not been realized. The federal commitment of 40 percent will be reached within eight years if the funding stream established in GREATT IDEA is sustained. This is my first priority in helping local school districts provide the best education possible for elementary and secondary education.

I urge my colleagues to support this effort to double funding for IDEA within the next four years as we continue to work to fulfill this long neglected federal commitment and free up educational resources for local education. This legislation will fully fund more than 700,000 additional IDEA students at an average cost of $13,860 per student. We must accelerate the progress we have made by passing and funding this legislation.•

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 2356. A bill to amend the Richard B. Russell National School Lunch Act to improve management of the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

CHILD AND ADULT CARE FOOD PROGRAM MANAGEMENT IMPROVEMENT ACT OF 2000

• Mr. LUGAR. Mr. President, I rise today to introduce a bill to restore confidence in the Child and Adult Care Food Program (CACFP) by attacking fraud and abuse discovered in the operation of the program.

Last year, the Inspector General of the United States Department of Agriculture released an audit of the CACFP, a nutrition program that reimburses the cost of meals at adult day care centers, child care centers and family day care homes. The IG's audit detailed extensive abuse of program funds by sponsor organizations. Sponsors are responsible for substantial monitoring and oversight of providers. In addition to the oversight function, the sponsors verify and forward CACFP claims to the Food and Nutrition Service (FNS) of the USDA and receive and distribute payments to providers. For their efforts, sponsors retain a portion of the reimbursement to large child care centers and are paid a flat administrative fee for each small day care home under their auspices. The Inspector General's findings were critical of both the FNS management of the program as well as the structure of CACFP that gives wide responsibility as well as the control of finances to sponsor organizations.

The results of the audit are staggering. The IG found in ''Operation Kiddie Care'' that 37 of 49 sponsors investigated were seriously deficient in program administration. Of the 37 sponsors, 16 have ultimately been terminated from the program. These 16 sponsors were receiving about $35 million annually. Forty-four people have been indicted or named in criminal documents for defrauding CACFP and twenty-eight of these individuals have pled guilty or have been convicted.

The IG concluded that the structure of CACFP is flawed. The program creates pools of money that invite abuse; sponsors of centers are able to retain up to 30 percent of program funds. The program encourages sponsors to ignore provider deficiencies since sponsors' administrative cost reimbursement is based on the number of providers they administer and the providers' reimbursement is based on the number of meals served. In addition, sponsor officials may increase their salaries by reducing funds for day care monitoring activities.

USDA has prepared this legislation to address the IG's concerns and conclusion. This bill will enable state agencies to deny the application of any sponsor that is found to be seriously deficient in any publicly-funded program, unlike current law which looks only at nutrition programs. For example, if the sponsor also runs a Head Start center and is not meeting Head Start management rules, that finding can disqualify the organization from participation in CACFP. The proposal will require organizations to have tax-exempt status from the Internal Revenue Service and will limit the amount a sponsor can withhold from child care centers. Public agencies (e.g., local health departments and schools) will be encouraged to participate as sponsors through reduced administrative requirements.

State agencies will have the ability to temporarily suspend payments without a hearing for up to 90 days. States will also be allowed to retain one-half of the funds collected through audits and state reviews. The FNS will also receive one-eighth of one percent of program funds to provide oversight which will generate $3 million annually compared to $1 million received under current law. Finally, FNS will be required to study the administrative payment structure.

While I am not certain that I will support all the provisions in USDA's bill, I am introducing it today to begin the process of discussing and refining it. I encourage all interested parties to contact the Agriculture Committee with their comments and suggestions.

Mr. President, the Federal government's nutrition programs are vitally important to millions of Americans. We cannot allow fraud and abuse of these programs to waste taxpayer dollars and undermine support for these crucial programs.•

• Mr. HARKIN. Mr. President, I am pleased to have this opportunity to join my colleague, the distinguished Chairman of the Agriculture, Nutrition, and Forestry Committee, Senator LUGAR, to introduce this legislation designed to address the fraud and abuse that has been found to be all too common in the Child and Adult Care Food Program (CACFP). It is intolerable that bad actors have tarnished the image of this important and laudable program of nutrition assistance. We need to move aggressively to pass legislation to make the necessary changes to root out fraud and abuse while maintaining CACFP's effectiveness and restoring its integrity.

Finding quality day care is one of the most difficult problems facing working families today. CACFP is a very good program that helps meet that need. The program, which is administered through the Food and Nutrition Service of the U.S. Department of Agriculture, reimburses the costs of meals and snacks at family day care homes, child care centers and adult day care homes. Because of the important role CACFP serves, Congress expanded it modestly in 1998 to help support after-school activities for older children. In fiscal 1999, some 2.6 million children were served on average each day through CACFP, with the total cost of the program amounting to about $1.6 billion.

It is my understanding that USDA's Food and Nutrition Service recognized that there were problems in the operation of CACFP and asked USDA's Inspector General to audit the program. Simply put, the results of the audit cry out for action. In an audit covering nearly three years, the IG found 37 sponsors in 23 states have had serious problems in carrying out CACFP. There were at least 30 criminal investigations and more than 40 individuals charged with defrauding CACFP. Notably, the IG found that the Department of Agriculture and the States should have done more to prevent the fraud and abuse that was prevalent in the program. Also the IG found structural problems in CACFP itself that make the program more susceptible to fraud and abuse.

The legislation Senator LUGAR and I are introducing today has been drafted by USDA to respond to the problems and shortcomings in CACFP identified by the IG. There are a number of good provisions and ideas in this legislation. I do not necessarily endorse all of the specific aspects of this bill, but it is a strong and thoughtful starting point for further consideration and for urgently-needed legislative action to address problems in CACFP that cannot be allowed to continue.

I echo the remarks of my colleague, Senator LUGAR, on the importance of the Federal nutrition programs and the need to combat fraud and abuse, so that we can prevent the waste of taxpayer dollars and maintain support for the programs. There is no inconsistency in strongly supporting child nutrition programs, yet vigorously fighting fraud and abuse in those programs. The truth of the matter is that every dollar siphoned off to fraud and abuse is a dollar that could better be spent improving the nutrition of our nation's children.•

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 311

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 311, a bill to authorize the Disabled

Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 660

At the request of Mr. CRAIG, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,2000, adjusted for inflation.

S. 915

At the request of Mr. GRAMM, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 915, a bill to amend title XVIII of the Social Security Act to expand and make permanent the medicare subvention demonstration project for military retirees and dependents

S. 916

At the request of Mr. GRAMS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 916, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 1020

At the request of Mr. BUNNING, his name was withdrawn as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1074

At the request of Mr. TORRICELLI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Wyoming (Mr. THOMAS) 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. 1361

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Florida (Mr. GRAHAM) 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. 1805

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. WYDEN), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Maryland (Mr. SARBANES), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1900

At the request of Mr. LAUTENBERG, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors 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.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2005

At the request of Mr. BURNS, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Indiana (Mr. LUGAR), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2037

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2037, a bill to amend title XVIII of the Social Security Act to extend the option to use rebased target amounts to all sole community hospitals.

S. 2056

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2056, a bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program.

S. 2060

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2060, a bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

S. 2093

At the request of Mr. DOMENICI, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2093, a bill to amend the Transportation Equity Act for the 21st Century to ensure that full obligation authority is provided for the Indian reservation roads program.

S. 2218

At the request of Mr. CLELAND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2218, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes.

S. 2277

At the request of Mr. ROTH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Indiana (Mr. LUGAR), the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. KERREY), the Senator from Texas (Mr. GRAMM), and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2321

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas.

S. 2322

At the request of Mr. MCCAIN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2322, a bill to amend title 37, United States Code, to establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance, and for other purposes.

S. 2324

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2324, a bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies.

S. 2337

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 2340

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. LEAHY) was withdrawn as a cosponsor of S. 2340, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

S. CON. RES. 69

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Washington (Mr. GORTON), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. CON. RES. 84

At the request of Mr. WARNER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Maine (Ms. SNOWE), the Senator from South Carolina (Mr. THURMOND), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN–77, the last vessel of the historic ''*Nimitz*'' class of aircraft carriers, as the U.S.S. *Lexington*.

S. CON. RES. 87

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. Con. Res. 87, a concurrent resolution commending the Holy See for making significant contributions to international peace and human rights, and objecting to efforts to expel the Holy See from the United Nations by removing the Holy See's Permanent Observer status in the United Nations, and for other purposes.

SENATE CONCURRENT RESOLUTION 102—TO COMMEND THE BRAVERY AND HONOR OF THE CITIZENS OF REMY, FRANCE, FOR THEIR ACTIONS WITH RESPECT TO LIEUTENANT HOUSTON BRALY AND TO RECOGNIZE THE EFFORTS OF THE 364TH FIGHTER GROUP TO RAISE FUNDS TO RESTORE THE STAINED GLASS WINDOWS OF A CHURCH IN REMY

Mrs. FEINSTEIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 102

Whereas on August 2, 1944, a squadron of P–51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France;

Whereas the resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including 7 stained glass windows in the 13th century church;

Whereas despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers;

Whereas on Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor;

Whereas the surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy; and

Whereas to express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds through its project ''Windows for Remy'' to restore the church's stained glass windows: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly, during and after August 1944; and

(2) recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th century church.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution. I tried to submit it during the first session of the 106th Congress, but due to a clerical error, it was never printed. This resolution commends and remembers events that transpired in Remy, France as its citizens honored the fallen World War II Army Air Corps pilot, Lieutenant Houston Braly. This inspiring story happened over fifty years ago, but its example of compassion and brotherhood remains in our hearts and minds.

On August 2, 1944, Lt. Braly's squadron of P–51 fighters on patrol in northern France encountered a German munitions train. After three unsuccessful attacks at the camouflaged train, Lt. Braly's fire hit a car carrying explosives, causing a tremendous explosion.

Airplanes circling 13,000 feet over the battle were hit by shrapnel from the train, haystacks in fields some distance away burned, and nearly all

buildings in the small French town were demolished. A 13th century church in the town of Remy barely escaped destruction, but its historic stained-glass windows were shattered.

It was this explosion that tragically claimed the life of Lt. Braly at only twenty-two years of age.

Despite the near total destruction of the small town, the residents of Remy regarded that young American as a hero. A young woman pulled Braly's body from the burning wreck of the plane, wrapped him in the nylon of his parachute, and placed him in the town's courtyard. Hundreds of villagers left flowers around his body, stunning German authorities.

The next morning, German authorities discovered that villagers continued to pay tribute to the young pilot despite threats of punishment. The placement of flowers on Lt. Braly's grave continued until American forces liberated Remy to the cheers of the townspeople.

Almost 50 years later, Steven Lea Vell of Danville, California, discovered this story in his research. Mr. Lea Vell was so moved by the story that he visited Remy, France, only to find that the stained glass windows of the magnificent 13th century church which were destroyed in the explosion had never been replaced. He contacted members of the 364th Fighter Group, under which Lt. Braly had served. After hearing how the residents of Remy had honored their fallen friend, veterans joined together to form Windows for Remy, a non-profit organization that would raise $200,000 to replace the stained glass windows as a gesture of thanks to Remy for its deeds.

On Armistice Day, November 11, 1995, fifty years after the war ended, the town of Remy paid tribute once more to Lt. Braly. On that day they renamed the crossroads where he perished to ''Rue de Houston L. Braly, Jr.''

I know that my fellow Senators will want to join me in commending the people of Remy for their kindness and recognized the comrades of Lt. Braly for their goodwill.

AMENDMENTS SUBMITTED

ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 2000

STEVENS (AND MURKOWSKI) AMENDMENT NO. 2905

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. STEVENS (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill (S. 2214) to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; as follows:

On page 15, beginning on line 7, delete ''and (20)'' and insert in lieu thereof:

''(20) require project agreement to the extent feasible that will ensure productivity and consistency recognizing a national interest in both labor stability and the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under leases issued pursuant to this Act; and

''(21)''.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001

ALLARD (AND OTHERS) AMENDMENT NO. 2906

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. ENZI, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000; as follows:

At the end of the resolution, insert the following:

TITLE ____—SOCIAL SECURITY PROTECTION AND DEBT REPAYMENT

SEC. ___1. BALANCED BUDGET REQUIREMENT.

Beginning with fiscal year 2001 and for every fiscal year thereafter, budgeted outlays shall not exceed budgeted revenues.

SEC. ___2. REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—Beginning with fiscal year 2001 and for every fiscal year thereafter, actual revenues shall exceed actual outlays in order to provide for the reduction of the Federal debt held by the public as provided in subsections (b) and (c).

(b) AMOUNT.—The on budget surplus shall be large enough so that debt held by the public will be reduced each year beginning in fiscal year 2001. The amount of reduction required by this subsection shall be $15,000,000,000 in fiscal year 2001 and shall increase by an additional $15,000,000,000 every fiscal year until the entire debt owed to the public has been paid.

(c) SOCIAL SECURITY SURPLUS AND DEBT REPAYMENT.—

(1) IN GENERAL.—Until such time as Congress enacts major social security reform legislation, the surplus funds each year in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used to reduce the debt owed to the public. This section shall not apply beginning on the fiscal year after social security reform legislation is enacted by Congress.

(2) DEFINITION.—In this subsection, the term ''social security reform legislation'' means legislation that—

(A) insures the long-term financial solvency of the social security system; and

(B) includes an option for private investment of social security funds by beneficiaries.

SEC. ___3. POINT OF ORDER AND WAIVER.

(a) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget that does not comply with this title.

(b) WAIVER.—Congress may waive the provisions of this title for any fiscal year in which a declaration of war is in effect.

SEC. ___4. MAJORITY REQUIREMENT FOR REVENUE INCREASE.

No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

SEC. ___5. REVIEW OF REVENUES.

Congress shall review actual revenues on a quarterly basis and adjust outlays to assure compliance with this title.

SEC. ___6. DEFINITIONS.

In this title:

(1) OUTLAYS.—The term ''outlays'' shall include all outlays of the United States excluding repayment of debt principal.

(2) REVENUES.—The term ''revenues'' shall include all revenues of the United States excluding borrowing.

VOINOVICH AMENDMENT NO. 2907

(Ordered to lie on the table.)

Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 28, strike beginning with line 22 and all that follows through page 29, line 5.

INHOFE AMENDMENT NO. 2908

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) local educational agencies are obligated to provide a free public education to all children even though Federal activity may deprive the local educational agencies of the ability to collect sufficient property or sales taxes to support the education of the children;

(2) the Impact Aid program is designed to compensate local educational agencies for the substantial and continuing financial burden resulting from tax revenue lost as a result of Federal activities;

(3) the Impact Aid program has not been fully funded since 1980 and this shortfall has caused local educational agencies to forego needed infrastructure repairs, delay the purchase of educational materials, delay the purchase of properly equipped buses for disabled children, and delay other pressing needs; and

(4) both Congress and the Administration have committed to making education a top priority.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Impact Aid program should be fully funded in the fiscal year 2001 appropriations cycle.

ALLARD (AND OTHERS) AMENDMENTS NOS. 2909–2910

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. ENZI, and Mr. GRAMS) submitted two amendments intended to be proposed by them to the concurrent resolution (S. Con. Res. 101), supra; as follows:

AMENDMENT NO. 2909

At the end of the resolution, insert the following:

TITLE ____—

SOCIAL SECURITY PROTECTION AND DEBT REPAYMENT

SEC. ___1. BALANCED BUDGET REQUIREMENT.

Beginning with fiscal year 2001 and for every fiscal year thereafter, budgeted outlays shall not exceed budgeted revenues.

SEC. ___2. REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—Beginning with fiscal year 2001 and for every fiscal year thereafter, actual revenues shall exceed actual outlays in order to provide for the reduction of the Federal debt held by the public as provided in subsections (b) and (c).

(b) AMOUNT.—The on budget surplus shall be large enough so that debt held by the public will be reduced each year beginning in fiscal year 2001. The amount of reduction required by this subsection shall be $10,000,000,000 in fiscal year 2001 and shall increase by an additional $10,000,000,000 every fiscal year until the entire debt owed to the public has been paid.

(c) SOCIAL SECURITY SURPLUS AND DEBT REPAYMENT.—

(1) IN GENERAL.—Until such time as Congress enacts major social security reform legislation, the surplus funds each year in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used to reduce the debt owed to the public. This section shall not apply beginning on the fiscal year after social security reform legislation is enacted by Congress.

(2) DEFINITION.—In this subsection, the term ''social security reform legislation'' means legislation that—

(A) insures the long-term financial solvency of the social security system; and

(B) includes an option for private investment of social security funds by beneficiaries.

SEC. ___3. POINT OF ORDER AND WAIVER.

(a) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget that does not comply with this title.

(b) WAIVER.—Congress may waive the provisions of this title for any fiscal year in which a declaration of war is in effect.

SEC. ___4. MAJORITY REQUIREMENT FOR REVENUE INCREASE.

No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

SEC. ___5. REVIEW OF REVENUES.

Congress shall review actual revenues on a quarterly basis and adjust outlays to assure compliance with this title.

SEC. ___6. DEFINITIONS.

In this title:

(1) OUTLAYS.—The term ''outlays'' shall include all outlays of the United States excluding repayment of debt principal.

(2) REVENUES.—The term ''revenues'' shall include all revenues of the United States excluding borrowing.

AMENDMENT NO. 2910

At the end of the resolution, insert the following:

TITLE ____—

SOCIAL SECURITY PROTECTION AND DEBT REPAYMENT

SEC. ___1. BALANCED BUDGET REQUIREMENT.

Beginning with fiscal year 2001 and for every fiscal year thereafter, budgeted outlays shall not exceed budgeted revenues.

SEC. ___2. REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—Beginning with fiscal year 2001 and for every fiscal year thereafter, actual revenues shall exceed actual outlays in order to provide for the reduction of the Federal debt held by the public as provided in subsections (b) and (c).

(b) AMOUNT.—The on budget surplus shall be large enough so that debt held by the public will be reduced each year beginning in fiscal year 2001. The amount of reduction required by this subsection shall be $10,000,000,000 in fiscal year 2001 and shall increase by an additional $10,000,000,000 every fiscal year until the entire debt owed to the public has been paid.

(c) SOCIAL SECURITY SURPLUS AND DEBT REPAYMENT.—

(1) IN GENERAL.—Until such time as Congress enacts major social security reform legislation, the surplus funds each year in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used to reduce the debt owed to the public. This section shall not apply beginning on the fiscal year after social security reform legislation is enacted by Congress.

(2) DEFINITION.—In this subsection, the term ''social security reform legislation'' means legislation that—

(A) insures the long-term financial solvency of the social security system; and

(B) includes an option for private investment of social security funds by beneficiaries.

SEC. ___3. POINT OF ORDER AND WAIVER.

(a) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget that does not comply with this title.

(b) WAIVER.—Congress may waive the provisions of this title for any fiscal year in which a declaration of war is in effect.

SEC. ___4. MAJORITY REQUIREMENT FOR REVENUE INCREASE.

No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

SEC. ___5. REVIEW OF REVENUES.

Congress shall review actual revenues on a quarterly basis and adjust outlays to assure compliance with this title.

SEC. ___6. DEFINITIONS.

In this title:

(1) OUTLAYS.—The term ''outlays'' shall include all outlays of the United States excluding repayment of debt principal.

(2) REVENUES.—The term ''revenues'' shall include all revenues of the United States excluding borrowing.

BOXER AMENDMENT NO. 2911

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The demand for after school education is very high, with more than 1,000,000 students waiting to get into such programs.

(2) After school programs improve educational achievement and have widespread support, with over 90 percent of the American people supporting such programs.

(3) 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with the presidents of the Fraternal Order of Police, and the International Union of Police Associations, support government funding of after school programs.

(4) Many of our Nation's governors endorse increasing the number of after school programs through a Federal and State partnership.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that the President's level of funding for after school programs in fiscal year 2001 will be provided, which will accommodate the current need for after school programs.

KOHL (AND OTHERS) AMENDMENT NO. 2912

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. LEAHY, Mr. BRYAN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 36, strike beginning with line 1 and all that follows through page 37, line 5.

BOND AMENDMENT NO. 2913

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE AGAINST FEDERAL FUNDING OF SMOKE SHOPS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Smoking begun by children during their teen years and even earlier turns the lives of far too many Americans into nightmares decades later, plagued by disease and premature death.

(2) The Federal Government should leave a legacy of more healthy Americans and fewer victims of tobacco-related illness.

(3) Efforts by the Federal Government should seek to protect young people from the dangers of smoking.

(4) Discount tobacco stores, sometimes known as smoke shops, operate to sell high volumes of cigarettes and other tobacco products, often at significantly reduced prices, with each tobacco outlet often selling millions of discount cigarettes each year.

(5) Studies by the Surgeon General and the Centers for Disease Control and Prevention demonstrate that children are particularly susceptible to price differentials in cigarettes, such as those available through smoke shop discounts.

(6) The Department of Housing and Urban Development is using Federal funds for grants to construct not less than 6 smoke shops or facilities that contain a smoke shop.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget levels in this resolution assume that no Federal funds may be used by the Department of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a smoke shop or other tobacco outlet.

HUTCHISON (AND OTHERS) AMENDMENT NO. 2914

Mrs. HUTCHISON (for herself, Mr. ASHCROFT, Mr. BROWNBACK, and Mr. SESSIONS) proposed an amendment to the concurrent resolution, S Con. Res. 101, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE TO PROVIDE RELIEF FROM THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and a key institution for preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) a report to the Treasury Department's Office of Tax Analysis estimates that in 1999, 48 percent of married couples will pay a marriage penalty under the present tax system;

(4) The Congressional Budget Office found that the average penalty amounts to $1400 a year.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the level in this budget resolution assume that the Congress shall:

(1) pass marriage penalty tax relief legislation that begins a phase down of this penalty in 2001;

(2) consider such legislation prior to April 15, 2000.

ROBB (AND OTHERS) AMENDMENT NO. 2915

Mr. ROBB (for himself, Mr. KENNEDY, Mr. WYDEN, Mr. GRAHAM, Mr. BRYAN, Mr. DORGAN, Mr. BAUCUS, Mr. BINGAMAN, Mr. JOHNSON, and Mr. SCHUMER) proposed an amendment to amendment No. 2915 proposed by Mrs. HUTCHISON to the concurrent resolution, S Con. Res. 101, supra; as follows:

At the end of the amendment, add the following:

SEC. ___. REVENUE REDUCTION CONTINGENT ON OUTPATIENT PRESCRIPTION DRUG LEGISLATION.

(a) FINDINGS.—Congress finds that—

(1) a medicare outpatient prescription drug benefit should be established before exhausting the on-budget surplus on excessive tax cuts;

(2) while the Senate budget resolution provides a date certain for the consideration of $150,000,000,000 in tax cuts, it does not include a similar instruction for the enactment of an outpatient prescription drug benefit;

(3) all seniors should have access to a voluntary, reliable, affordable medicare drug benefit that assists them with the high cost of prescription drugs and protects them against excessive out-of-pocket costs; and

(4) 64 percent of medicare beneficiaries have unreliable or no drug coverage at all.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider a reconciliation bill resulting in a net reduction in revenues unless Congress has previously enacted legislation that—

(1) provides an outpatient prescription drug benefit under the Medicare program consistent with Medicare reform; and

(2) includes a certification that the legislation complies with paragraph (1) of this section.

(c) SUPERMAJORITY WAIVER AND APPEAL.—The point of order established in this section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SHELBY AMENDMENTS NOS. 2916–2917

(Ordered to lie on the table.)

Mr. SHELBY submitted two amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 2916

Beginning on page 66, line 15, strike all through page 67, line 10, and insert the following:

SEC. ___. SENSE OF THE SENATE ON TAX SIMPLIFICATION.

(a) FINDINGS.—Congress finds that—

(1) the Internal Revenue Code of 1986 (referred to in this section as the ''tax code'') has become increasingly complex, undermining confidence in the system, and often undermining the principles of simplicity, efficiency, and equity;

(2) some have estimated that the resources required to keep records and file returns already cost American families an additional 10 percent to 20 percent over what they actually pay in income taxes;

(3) the tax code penalizes saving and investment by imposing tax on these important activities twice while promoting consumption by only taxing income used for consumption once;

(4) the tax code stifles economic growth by discouraging work and capital formation through high tax rates; and

(5) if it is to enact a greatly simplified tax code, Congress should have a thorough understanding of the problem as well as specific proposals to consider.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Joint Committee on Taxation shall develop a report and alternative proposals on tax simplification by the end of the year;

(2) the Department of the Treasury is requested to develop a report and alternative proposals on tax simplification by the end of the year; and

(3) Congress should move expeditiously to consider these and other comprehensive proposals to reform the Internal Revenue Code of 1986.

AMENDMENT NO. 2917

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Our Nation's children have become the ever increasing targets of marketing activity.

(2) Such marketing activity, which includes Internet sales pitches, commercials broadcast via in-classroom television programming, product placements, contests, and giveaways, is taking place every day during class time in our Nation's public schools.

(3) Many State and local entities enter into arrangements allowing marketing activity in schools in an effort to make up budgetary shortfalls or to gain access to expensive technology or equipment.

(4) These marketing efforts take advantage of the time and captive audiences provided by taxpayer-funded schools.

(5) These marketing efforts involve activities that compromise the privacy of our Nation's children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in-school marketing and information-gathering activities—

(A) are a waste of student class time and taxpayer money;

(B) exploit captive student audiences for commercial gain; and

(C) compromise the privacy rights of our Nation's school children and are a violation of the public trust Americans place in the public education system;

(2) State and local educators should remove commercial distractions from our Nation's public schools and should protect the privacy of school-aged children in our Nation's classrooms;

(3) Federal funds should not be used in any way to support the commercialization of our Nation's classrooms or the exploitation of student privacy, nor to purchase advertisements from entities that market to school children or violate student privacy during the school day; and

(4) Federal funds should be made available, in the form of block grants, to State and local entities in order to provide the entities with the financial flexibility to avoid the necessity of having to enter into relationships with third parties that involve violations of student privacy or the introduction of commercialization into our Nation's classrooms.

HUTCHINSON (AND OTHERS) AMENDMENT NO. 2918

(Ordered to lie on the table.)

Mr. HUTCHINSON (for himself, Mr. GRASSLEY, and Mr. HELMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON INCREASED FUNDING FOR THE HIDTA PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) the Anti-Drug Abuse Act of 1988 authorizes the Director of the Office of National Drug Control Policy (ONDCP) to designate areas within the United States which exhibit serious drug trafficking problems and harmfully impact other areas of the country as High Intensity Drug Trafficking Areas (HIDTA);

(2) since 1990, 31 areas within 40 of the United States have been designated as HIDTAs and thus are the recipients of additional federal funds to help eliminate or reduce drug trafficking and its harmful consequences;

(3) a HIDTA designation facilitates cooperation between federal, state, and local law enforcement organizations and thereby maximizes the effectiveness and efficiency of drug control efforts;

(4) the HIDTA program is strongly supported by the federal, state and local law enforcement communities as an invaluable tool in the effort to reduce the production, distribution, and use of illegal substances;

(5) federal funding provided to HIDTAs has grown from $25 million in Fiscal Year 1990 to $191.2 million in Fiscal Year 2000; and

(6) nonetheless the President has not requested an increase in the amount of federal funding provided to the HIDTA program in Fiscal Year 2001.

(b) SENSE OF THE SENATE: It is the Sense of the Senate that the amount of federal funding provided to the HIDTA program in Fiscal Year 2001 should reflect Congress' commitment over the last decade to enhance this vital public program by increasing its annual spending level accordingly.

HUTCHINSON AMENDMENTS NOS. 2919–2920

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted two amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 2919

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE TO DOUBLE THE FEDERAL INVESTMENT IN THE CONSOLIDATED HEALTH CENTERS PROGRAM OVER THE NEXT FIVE YEARS.

(a) FINDINGS.—The Senate finds that—

(1) Whereas the uninsured population in the United States is over 44 million and continue to grow;

(2) Whereas the majority of the uninsured population are rural residents, minority populations, single-parent families and working families;

(3) Whereas consolidated health centers serve as a safety net for more than 11 million patients nationwide, including 4.4 million people with no health insurance;

(4) Whereas health centers serve one of every 6 low-income children, one of every 12 rural residents, one of every 4 homeless persons, and one of every 5 babies born to low-income families;

(5) Whereas over half of health centers are located in rural areas;

(6) Whereas health centers provide primary and preventive care to low-income, uninsured, and under-insured individuals for less than $1 per day;

(7) Whereas the President requested a $15 million increase for consolidated health centers in Fiscal Year 2000;

(8) Whereas Congress recognized the value of consolidated health centers in serving the under-served and appropriated a $100 million increase in funding for consolidated health centers in Fiscal Year 2000;

(b) SENSE OF THE SENATE: It is the Sense of the Senate that the federal investment in the consolidated health centers program should double in funding over the next five years.

AMENDMENT NO. 2920

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS WITH RESPECT TO PRESIDENT CLINTON'S ADHERENCE TO PUBLIC LAW 106–38.

Whereas on May 18, 1999 the Senate passed H.R. 4, which had been amended by striking all after the enacting clause and substituted the text of S. 257, the Cochran-Inouye National Missile Defense Act of 1999, by a vote of 97 to 3.

Whereas the House of Representatives agreed to the Senate amendment and approved H.R. 4 by a vote of 345 to 71.

Whereas H.R. 4, as presented to the president, stated that ''it is the policy of the United States to deploy as soon as technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack.''

Whereas when the President signed H.R. 4 on July 22, 1999, it became Public Law 106–38.

Whereas in a statement released on July 23, 1999 President Clinton stated that any decision to deploy a National Missile Defense System would be based upon four criteria: threat, cost, impact on arms control, and technological feasibility.

Whereas P.L. 106–38 does not accord the issues of threat, cost, and impact on arms control status as criteria which must be met before deploying a National Missile Defense system.

Whereas the only criteria to be met before the United States deploys a National Missile Defense system, as codified in P.L. 106–38, is technological possibility.

Whereas all of the technological components of the proposed National Missile Defense system have been demonstrated to be technologically possible by the Integrated Flight Test program.

Whereas President Clinton has publicly asserted that he will not make an affirmative deployment decision, despite the legal fulfillment of the criteria set forth in P.L. 106–38, until all four of his criteria have been satisfied.

Resolved by the Senate (the House of Representatives concurring) That it is the sense of the Congress that—

(1) Because the President insists upon the meeting of criteria, other than that specifically listed in the text of the National Missile Defense Act of 1999, as a precondition to the deployment of a National Missile Defense system, the President is knowingly and willfully violating both the letter and the spirit of P.L. 106–38.

HUTCHINSON (AND FRIST) AMENDMENT NO. 2921

(Ordered to lie on the table.)

Mr. HUTCHINSON (for himself and Mr. FRIST) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the General Accounting Office, for every dollar spent on elementary and secondary education funding for all students, the Federal Government provided an additional $4.73 per low-income student.

(2) Between 1992 and 1998, there was no significant change in the percentage of 4th graders who met the proficient or advanced standard in reading on the National Assessment of Educational Progress.

(3) Thirteen percent of 4th grade students assisted under part A of title I of the Elementary and Secondary Education Act of 1965 who took the 1998 National Assessment of Educational Progress reading test scored at or above the proficient level, compared with 40 percent of higher-income students.

(4) After 35 years and more than $120,000,000,000 spent on part A of title I of the Elementary and Secondary Education Act of 1965, the goal of closing the achievement gap for disadvantaged students is still unmet.

(5) New Federal education programs emphasize inputs, while educational reform under the Elementary and Secondary Education Act of 1965 will emphasize accountability in exchange for flexibility and student achievement for all children by closing the achievement gap.

(6) The funding levels in this resolution assume a net increase of $19,600,000,000 over the fiscal years 2001 through 2005 for programs under the Elementary and Secondary Education Act of 1965 that will be reauthorized in 2001.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that increased funding for the reauthorized programs under the Elementary and Secondary Education Act of 1965 should be dedicated to innovative reforms that require academic achievement for all students and aim to close the achievement gap that exists for disadvantaged students.

TRIBAL SELF-GOVERANCE AMENDMENTS OF 1999

CAMPBELL AMENDMENT NO. 2922

Mr. KYL (for Mr. CAMPBELL) proposed an amendment to the bill (S. 979) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tribal Self-Governance Amendments of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the Indian tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) the Tribal Self-Governance Demonstration Project, established under title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management;

(5) although the Federal Government has made considerable strides in improving Indian health care, it has failed to fully meet its trust responsibilities and to satisfy its obligations to the Indian tribes under treaties and other laws; and

(6) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that transferring full control and funding to tribal governments, upon tribal request, over decision making for Federal programs, services, functions, and activities (or portions thereof)—

(A) is an appropriate and effective means of implementing the Federal policy of government-to-government relations with Indian tribes; and

(B) strengthens the Federal policy of Indian self-determination.

SEC. 3. DECLARATION OF POLICY.

It is the policy of Congress—

(1) to permanently establish and implement tribal self-governance within the Department of Health and Human Services;

(2) to call for full cooperation from the Department of Health and Human Services and its constituent agencies in the implementation of tribal self-governance—

(A) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(B) to permit each Indian tribe to choose the extent of its participation in self-governance in accordance with the provisions of the Indian Self-Determination and Education Assistance Act relating to the provision of Federal services to Indian tribes;

(C) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(D) to affirm and enable the United States to fulfill its obligations to the Indian tribes under treaties and other laws;

(E) to strengthen the government-to-government relationship between the United States and Indian tribes through direct and meaningful consultation with all tribes;

(F) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority, control, funding, and discretion to plan, conduct, redesign, and administer programs, services, functions, and activities (or portions thereof) that meet the needs of the individual tribal communities;

(G) to provide for a measurable parallel reduction in the Federal bureaucracy as programs, services, functions, and activities (or portion thereof) are assumed by Indian tribes;

(H) to encourage the Secretary to identify all programs, services, functions, and activities (or portions thereof) of the Department

of Health and Human Services that may be managed by an Indian tribe under this Act and to assist Indian tribes in assuming responsibility for such programs, services, functions, and activities (or portions thereof); and

(I) to provide Indian tribes with the earliest opportunity to administer programs, services, functions, and activities (or portions thereof) from throughout the Department of Health and Human Services.

SEC. 4. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE V—TRIBAL SELF-GOVERNANCE

"SEC. 501. DEFINITIONS.

''(a) IN GENERAL.—In this title:

''(1) CONSTRUCTION PROJECT.—The term 'construction project'—

''(A) means an organized noncontinuous undertaking to complete a specific set of predetermined objectives for the planning, environmental determination, design, construction, repair, improvement, or expansion of buildings or facilities, as described in a construction project agreement; and

''(B) does not include construction program administration and activities described in paragraphs (1) through (3) of section 4(m), that may otherwise be included in a funding agreement under this title.

''(2) CONSTRUCTION PROJECT AGREEMENT.—The term 'construction project agreement' means a negotiated agreement between the Secretary and an Indian tribe, that at a minimum—

''(A) establishes project phase start and completion dates;

''(B) defines a specific scope of work and standards by which it will be accomplished;

''(C) identifies the responsibilities of the Indian tribe and the Secretary;

''(D) addresses environmental considerations;

''(E) identifies the owner and operations and maintenance entity of the proposed work;

''(F) provides a budget;

''(G) provides a payment process; and

''(H) establishes the duration of the agreement based on the time necessary to complete the specified scope of work, which may be 1 or more years.

''(3) GROSS MISMANAGEMENT.—The term 'gross mismanagement' means a significant, clear, and convincing violation of a compact, funding agreement, or regulatory, or statutory requirements applicable to Federal funds transferred to an Indian tribe by a compact or funding agreement that results in a significant reduction of funds available for the programs, services, functions, or activities (or portions thereof) assumed by an Indian tribe.

''(4) INHERENT FEDERAL FUNCTIONS.—The term 'inherent Federal functions' means those Federal functions which cannot legally be delegated to Indian tribes.

''(5) INTER-TRIBAL CONSORTIUM.—The term 'inter-tribal consortium' means a coalition of 2 or more separate Indian tribes that join together for the purpose of participating in self-governance, including tribal organizations.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(7) SELF-GOVERNANCE.—The term 'self-governance' means the program of self-governance established under section 502.

''(8) TRIBAL SHARE.—The term 'tribal share' means an Indian tribe's portion of all funds and resources that support secretarial programs, services, functions, and activities (or portions thereof) that are not required by the Secretary for performance of inherent Federal functions.

''(b) INDIAN TRIBE.—In any case in which an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term 'Indian tribe' as used in this title shall include such other authorized Indian tribe, inter-tribal consortium, or tribal organization.

"SEC. 502. ESTABLISHMENT.

''The Secretary shall establish and carry out a program within the Indian Health Service of the Department of Health and Human Services to be known as the 'Tribal Self-Governance Program' in accordance with this title.

"SEC. 503. SELECTION OF PARTICIPATING INDIAN TRIBES.

''(a) CONTINUING PARTICIPATION.—Each Indian tribe that is participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title may elect to participate in self-governance under this title under existing authority as reflected in tribal resolution.

''(b) ADDITIONAL PARTICIPANTS.—

''(1) IN GENERAL.—In addition to those Indian tribes participating in self-governance under subsection (a), each year an additional 50 Indian tribes that meet the eligibility criteria specified in subsection (c) shall be entitled to participate in self-governance.

''(2) TREATMENT OF CERTAIN INDIAN TRIBES.—

''(A) IN GENERAL.—An Indian tribe that has withdrawn from participation in an inter-tribal consortium or tribal organization, in whole or in part, shall be entitled to participate in self-governance provided the Indian tribe meets the eligibility criteria specified in subsection (c).

''(B) EFFECT OF WITHDRAWAL.—If an Indian tribe has withdrawn from participation in an inter-tribal consortium or tribal organization, that Indian tribe shall be entitled to its tribal share of funds supporting those programs, services, functions, and activities (or portions thereof) that the Indian tribe will be carrying out under the compact and funding agreement of the Indian tribe.

''(C) PARTICIPATION IN SELF-GOVERNANCE.—In no event shall the withdrawal of an Indian tribe from an inter-tribal consortium or tribal organization affect the eligibility of the inter-tribal consortium or tribal organization to participate in self-governance.

''(c) APPLICANT POOL.—

''(1) IN GENERAL.—The qualified applicant pool for self-governance shall consist of each Indian tribe that—

''(A) successfully completes the planning phase described in subsection (d);

''(B) has requested participation in self-governance by resolution or other official action by the governing body of each Indian tribe to be served; and

''(C) has demonstrated, for 3 fiscal years, financial stability and financial management capability.

''(2) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For purposes of this subsection, evidence that, during the 3-year period referred to in paragraph (1)(C), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

''(d) PLANNING PHASE.—Each Indian tribe seeking participation in self-governance shall complete a planning phase. The planning phase shall be conducted to the satisfaction of the Indian tribe and shall include—

''(1) legal and budgetary research; and

''(2) internal tribal government planning and organizational preparation relating to the administration of health care programs.

''(e) GRANTS.—Subject to the availability of appropriations, any Indian tribe meeting the requirements of paragraph (1) (B) and (C) of subsection (c) shall be eligible for grants—

''(1) to plan for participation in self-governance; and

''(2) to negotiate the terms of participation by the Indian tribe or tribal organization in self-governance, as set forth in a compact and a funding agreement.

''(f) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under subsection (e) shall not be a requirement of participation in self-governance.

"SEC. 504. COMPACTS.

''(a) COMPACT REQUIRED.—The Secretary shall negotiate and enter into a written compact with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

''(b) CONTENTS.—Each compact required under subsection (a) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the Secretary, including such terms as the parties intend shall control year after year. Such compacts may only be amended by mutual agreement of the parties.

''(c) EXISTING COMPACTS.—An Indian tribe participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title shall have the option at any time after the date of enactment of this title to—

''(1) retain the Tribal Self-Governance Demonstration Project compact of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

''(2) instead of retaining a compact or portion thereof under paragraph (1), negotiate a new compact in a manner consistent with the requirements of this title.

''(d) TERM AND EFFECTIVE DATE.—The effective date of a compact shall be the date of the approval and execution by the Indian tribe or another date agreed upon by the parties, and shall remain in effect for so long as permitted by Federal law or until terminated by mutual written agreement, retrocession, or reassumption.

"SEC. 505. FUNDING AGREEMENTS.

''(a) FUNDING AGREEMENT REQUIRED.—The Secretary shall negotiate and enter into a written funding agreement with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

''(b) CONTENTS.—

''(1) IN GENERAL.—Each funding agreement required under subsection (a) shall, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding, including tribal shares of discretionary Indian Health Service competitive grants (excluding congressionally earmarked competitive grants), for all programs, services,

functions, and activities (or portions thereof), that are carried out for the benefit of Indians because of their status as Indians without regard to the agency or office of the Indian Health Service (or of such other agency) within which the program, service, function, or activity (or portion thereof) is performed.

''(2) INCLUSION OF CERTAIN PROGRAMS, SERVICES, FUNCTIONS, AND ACTIVITIES.—Such programs, services, functions, or activities (or portions thereof) include all programs, services, functions, activities (or portions thereof), including grants (which may be added to a funding agreement after an award of such grants), with respect to which Indian tribes or Indians are primary or significant beneficiaries, administered by the Department of Health and Human Services through the Indian Health Service and all local, field, service unit, area, regional, and central headquarters or national office functions administered under the authority of—

''(A) the Act of November 2, 1921 (42 Stat. 208, chapter 115; 25 U.S.C. 13);

''(B) the Act of April 16, 1934 (48 Stat. 596, chapter 147; 25 U.S.C. 452 et seq.);

''(C) the Act of August 5, 1954 (68 Stat. 674, chapter 658);

''(D) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);

''(E) the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.);

''(F) any other Act of Congress authorizing any agency of the Department of Health and Human Services to administer, carry out, or provide financial assistance to such a program, service, function or activity (or portions thereof) described in this section that is carried out for the benefit of Indians because of their status as Indians; or

''(G) any other Act of Congress authorizing such a program, service, function, or activity (or portions thereof) carried out for the benefit of Indians under which appropriations are made available to any agency other than an agency within the Department of Health and Human Services, in any case in which the Secretary administers that program, service, function, or activity (or portion thereof).

''(c) INCLUSION IN COMPACT OR FUNDING AGREEMENT.—It shall not be a requirement that an Indian tribe or Indians be identified in the authorizing statute for a program or element of a program to be eligible for inclusion in a compact or funding agreement under this title.

''(d) FUNDING AGREEMENT TERMS.—Each funding agreement under this title shall set forth—

''(1) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered; and

''(2) for the items identified in paragraph (1)—

''(A) the general budget category assigned;

''(B) the funds to be provided, including those funds to be provided on a recurring basis;

''(C) the time and method of transfer of the funds;

''(D) the responsibilities of the Secretary; and

''(E) any other provision with respect to which the Indian tribe and the Secretary agree.

''(e) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian tribe that is withdrawing or retroceding the operation of 1 or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, and the terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

''(f) EXISTING FUNDING AGREEMENTS.—Each Indian tribe participating in the Tribal Self-Governance Demonstration Project established under title III on the date of enactment of this title shall have the option at any time thereafter to—

''(1) retain the Tribal Self-Governance Demonstration Project funding agreement of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

''(2) instead of retaining a funding agreement or portion thereof under paragraph (1), negotiate a new funding agreement in a manner consistent with the requirements of this title.

''(g) STABLE BASE FUNDING.—At the option of an Indian tribe, a funding agreement may provide for a stable base budget specifying the recurring funds (including, for purposes of this provision, funds available under section 106(a)) to be transferred to such Indian tribe, for such period as may be specified in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations by sub-sub activity excluding earmarks.

''SEC. 506. GENERAL PROVISIONS.

''(a) APPLICABILITY.—The provisions of this section shall apply to compacts and funding agreements negotiated under this title and an Indian tribe may, at its option, include provisions that reflect such requirements in a compact or funding agreement.

''(b) CONFLICTS OF INTEREST.—Indian tribes participating in self-governance under this title shall ensure that internal measures are in place to address conflicts of interest in the administration of self-governance programs, services, functions, or activities (or portions thereof).

''(c) AUDITS.—

''(1) SINGLE AGENCY AUDIT ACT.—The provisions of chapter 75 of title 31, United States Code, requiring a single agency audit report shall apply to funding agreements under this title.

''(2) COST PRINCIPLES.—An Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by section 106, or by any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit under this subsection shall be subject to the provisions of section 106(f).

''(d) RECORDS.—

''(1) IN GENERAL.—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of the Indian tribe shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

''(2) RECORDKEEPING SYSTEM.—The Indian tribe shall maintain a recordkeeping system, and, after 30 days advance notice, provide the Secretary with reasonable access to such records to enable the Department of Health and Human Services to meet its minimum legal recordkeeping system requirements under sections 3101 through 3106 of title 44, United States Code.

''(e) REDESIGN AND CONSOLIDATION.—An Indian tribe may redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement under section 305 and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) in any manner which the Indian tribe deems to be in the best interest of the health and welfare of the Indian community being served, only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law.

''(f) RETROCESSION.—An Indian tribe may retrocede, fully or partially, to the Secretary programs, services, functions, or activities (or portions thereof) included in the compact or funding agreement. Unless the Indian tribe rescinds the request for retrocession, such retrocession will become effective within the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, such retrocession shall become effective on—

''(1) the earlier of—

''(A) 1 year after the date of submission of such request; or

''(B) the date on which the funding agreement expires; or

''(2) such date as may be mutually agreed upon by the Secretary and the Indian tribe.

''(g) WITHDRAWAL.—

''(1) PROCESS.—

''(A) IN GENERAL.—An Indian tribe may fully or partially withdraw from a participating inter-tribal consortium or tribal organization its share of any program, function, service, or activity (or portions thereof) included in a compact or funding agreement.

''(B) EFFECTIVE DATE.—The withdrawal referred to in subparagraph (A) shall become effective within the timeframe specified in the resolution which authorizes transfer to the participating tribal organization or inter-tribal consortium. In the absence of a specific timeframe set forth in the resolution, such withdrawal shall become effective on—

''(i) the earlier of—

''(I) 1 year after the date of submission of such request; or

''(II) the date on which the funding agreement expires; or

''(ii) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and the participating tribal organization or inter-tribal consortium that has signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

''(2) DISTRIBUTION OF FUNDS.—When an Indian tribe or tribal organization eligible to enter into a self-determination contract under title I or a compact or funding agreement under this title fully or partially withdraws from a participating inter-tribal consortium or tribal organization—

''(A) the withdrawing Indian tribe or tribal organization shall be entitled to its tribal share of funds supporting those programs, services, functions, or activities (or portions thereof) that the Indian tribe will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated in the funding agreement of the inter-tribal consortium or tribal organization); and

''(B) the funds referred to in subparagraph (A) shall be transferred from the funding agreement of the inter-tribal consortium or tribal organization, on the condition that the provisions of sections 102 and 105(i), as appropriate, shall apply to that withdrawing Indian tribe.

''(3) REGAINING MATURE CONTRACT STATUS.—If an Indian tribe elects to operate all or some programs, services, functions, or activities (or portions thereof) carried out under a compact or funding agreement under

this title through a self-determination contract under title I, at the option of the Indian tribe, the resulting self-determination contract shall be a mature self-determination contract.

''(h) NONDUPLICATION.—For the period for which, and to the extent to which, funding is provided under this title or under the compact or funding agreement, the Indian tribe shall not be entitled to contract with the Secretary for such funds under section 102, except that such Indian tribe shall be eligible for new programs on the same basis as other Indian tribes.

''SEC. 507. PROVISIONS RELATING TO THE SECRETARY.

''(a) MANDATORY PROVISIONS.—

''(1) HEALTH STATUS REPORTS.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision that requires the Indian tribe to report on health status and service delivery—

''(A) to the extent such data is not otherwise available to the Secretary and specific funds for this purpose are provided by the Secretary under the funding agreement; and

''(B) if such reporting shall impose minimal burdens on the participating Indian tribe and such requirements are promulgated under section 517.

''(2) REASSUMPTION.—

''(A) IN GENERAL.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision authorizing the Secretary to reassume operation of a program, service, function, or activity (or portions thereof) and associated funding if there is a specific finding relative to that program, service, function, or activity (or portion thereof) of—

''(i) imminent endangerment of the public health caused by an act or omission of the Indian tribe, and the imminent endangerment arises out of a failure to carry out the compact or funding agreement; or

''(ii) gross mismanagement with respect to funds transferred to a tribe by a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

''(B) PROHIBITION.—The Secretary shall not reassume operation of a program, service, function, or activity (or portions thereof) unless—

''(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe; and

''(ii) the Indian tribe has not taken corrective action to remedy the imminent endangerment to public health or gross mismanagement.

''(C) EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (B), the Secretary may, upon written notification to the Indian tribe, immediately reassume operation of a program, service, function, or activity (or portion thereof) if—

''(I) the Secretary makes a finding of imminent substantial and irreparable endangerment of the public health caused by an act or omission of the Indian tribe; and

''(II) the endangerment arises out of a failure to carry out the compact or funding agreement.

''(ii) REASSUMPTION.—If the Secretary reassumes operation of a program, service, function, or activity (or portion thereof) under this subparagraph, the Secretary shall provide the Indian tribe with a hearing on the record not later than 10 days after such reassumption.

''(D) HEARINGS.—In any hearing or appeal involving a decision to reassume operation of a program, service, function, or activity (or portion thereof), the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence the validity of the grounds for the reassumption.

''(b) FINAL OFFER.—In the event the Secretary and a participating Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary. Not more than 45 days after such submission, or within a longer time agreed upon by the Indian tribe, the Secretary shall review and make a determination with respect to such offer. In the absence of a timely rejection of the offer, in whole or in part, made in compliance with subsection (c), the offer shall be deemed agreed to by the Secretary.

''(c) REJECTION OF FINAL OFFERS.—

''(1) IN GENERAL.—If the Secretary rejects an offer made under subsection (b) (or 1 or more provisions or funding levels in such offer), the Secretary shall provide—

''(A) a timely written notification to the Indian tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

''(i) the amount of funds proposed in the final offer exceeds the applicable funding level to which the Indian tribe is entitled under this title;

''(ii) the program, function, service, or activity (or portion thereof) that is the subject of the final offer is an inherent Federal function that cannot legally be delegated to an Indian tribe;

''(iii) the Indian tribe cannot carry out the program, function, service, or activity (or portion thereof) in a manner that would not result in significant danger or risk to the public health; or

''(iv) the Indian tribe is not eligible to participate in self-governance under section 503;

''(B) technical assistance to overcome the objections stated in the notification required by subparagraph (A);

''(C) the Indian tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter and the opportunity for appeal on the objections raised, except that the Indian tribe may, in lieu of filing such appeal, directly proceed to initiate an action in a Federal district court pursuant to section 110(a); and

''(D) the Indian tribe with the option of entering into the severable portions of a final proposed compact or funding agreement, or provision thereof, (including a lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions.

''(2) EFFECT OF EXERCISING CERTAIN OPTION.—If an Indian tribe exercises the option specified in paragraph (1)(D), that Indian tribe shall retain the right to appeal the Secretary's rejection under this section, and subparagraphs (A), (B), and (C) of that paragraph shall only apply to that portion of the proposed final compact, funding agreement, or provision thereof that was rejected by the Secretary.

''(d) BURDEN OF PROOF.—With respect to any hearing or appeal or civil action conducted pursuant to this section, the Secretary shall have the burden of demonstrating by clear and convincing evidence the validity of the grounds for rejecting the offer (or a provision thereof) made under subsection (b).

''(e) GOOD FAITH.—In the negotiation of compacts and funding agreements the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy. The Secretary shall carry out this title in a manner that maximizes the policy of tribal self-governance, in a manner consistent with the purposes specified in section 3 of the Tribal Self-Governance Amendments of 1999.

''(f) SAVINGS.—To the extent that programs, functions, services, or activities (or portions thereof) carried out by Indian tribes under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of tribal shares and other funds determined under section 508(c), the Secretary shall make such savings available to the Indian tribes, inter-tribal consortia, or tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and compacted programs.

''(g) TRUST RESPONSIBILITY.—The Secretary is prohibited from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

''(h) DECISIONMAKER.—A decision that constitutes final agency action and relates to an appeal within the Department of Health and Human Services conducted under subsection (c) shall be made either—

''(1) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

''(2) by an administrative judge.

''SEC. 508. TRANSFER OF FUNDS.

''(a) IN GENERAL.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement, pursuant to subsection (c), and provide funding for periods covered by joint resolution adopted by Congress making continuing appropriations, to the extent permitted by such resolutions. In any instance where a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year, or requires semiannual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department, unless the funding agreement provides otherwise.

''(b) MULTIYEAR FUNDING.—The Secretary may employ, upon tribal request, multiyear funding agreements. References in this title to funding agreements shall include such multiyear funding agreements.

''(c) AMOUNT OF FUNDING.—The Secretary shall provide funds under a funding agreement under this title in an amount equal to the amount that the Indian tribe would have been entitled to receive under self-determination contracts under this Act, including amounts for direct program costs specified under section 106(a)(1) and amounts for contract support costs specified under section 106(a) (2), (3), (5), and (6), including any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian tribe or its members, all without regard to the organizational level within the Department where such functions are carried out.

''(d) PROHIBITIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is expressly prohibited from—

''(A) failing or refusing to transfer to an Indian tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this Act, except as required by Federal law;

''(B) withholding portions of such funds for transfer over a period of years; and

''(C) reducing the amount of funds required under this Act—

''(i) to make funding available for self-governance monitoring or administration by the Secretary;

''(ii) in subsequent years, except pursuant to—

''(I) a reduction in appropriations from the previous fiscal year for the program or function to be included in a compact or funding agreement;

''(II) a congressional directive in legislation or accompanying report;

''(III) a tribal authorization;

''(IV) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

''(V) completion of a project, activity, or program for which such funds were provided;

''(iii) to pay for Federal functions, including Federal pay costs, Federal employee retirement benefits, automated data processing, technical assistance, and monitoring of activities under this Act; or

''(iv) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance;

''(2) EXCEPTION.—The funds described in paragraph (1)(C) may be increased by the Secretary if necessary to carry out this Act or as provided in section 105(c)(2).

''(e) OTHER RESOURCES.—In the event an Indian tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation including the use of interagency motor pool vehicles) or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary shall acquire and transfer such personnel, supplies, or resources to the Indian tribe.

''(f) REIMBURSEMENT TO INDIAN HEALTH SERVICE.—With respect to functions transferred by the Indian Health Service to an Indian tribe, the Indian Health Service shall provide goods and services to the Indian tribe, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received from those goods and services, along with the funds received from the Indian tribe pursuant to this title, may be credited to the same or subsequent appropriation account which provided the funding, such amounts to remain available until expended.

''(g) PROMPT PAYMENT ACT.—Chapter 39 of title 31, United States Code, shall apply to the transfer of funds due under a compact or funding agreement authorized under this title.

''(h) INTEREST OR OTHER INCOME ON TRANSFERS.—An Indian tribe is entitled to retain interest earned on any funds paid under a compact or funding agreement to carry out governmental or health purposes and such interest shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the interest is earned or in any subsequent fiscal year. Funds transferred under this title shall be managed using the prudent investment standard.

''(i) CARRYOVER OF FUNDS.—All funds paid to an Indian tribe in accordance with a compact or funding agreement shall remain available until expended. In the event that an Indian tribe elects to carry over funding from 1 year to the next, such carryover shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in that or any subsequent fiscal year.

''(j) PROGRAM INCOME.—All medicare, medicaid, or other program income earned by an Indian tribe shall be treated as supplemental funding to that negotiated in the funding agreement. The Indian tribe may retain all such income and expend such funds in the current year or in future years except to the extent that the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) provides otherwise for medicare and medicaid receipts. Such funds shall not result in any offset or reduction in the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the program income is received or for any subsequent fiscal year.

''(k) LIMITATION OF COSTS.—An Indian tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement. If at any time the Indian tribe has reason to believe that the total amount provided for a specific activity in the compact or funding agreement is insufficient the Indian tribe shall provide reasonable notice of such insufficiency to the Secretary. If the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian tribe may suspend performance of the activity until such time as additional funds are transferred.

''SEC. 509. CONSTRUCTION PROJECTS.

''(a) IN GENERAL.—Indian tribes participating in tribal self-governance may carry out construction projects under this title if they elect to assume all Federal responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and related provisions of law that would apply if the Secretary were to undertake a construction project, by adopting a resolution—

''(1) designating a certifying officer to represent the Indian tribe and to assume the status of a responsible Federal official under such laws; and

''(2) accepting the jurisdiction of the Federal court for the purpose of enforcement of the responsibilities of the responsible Federal official under such environmental laws.

''(b) NEGOTIATIONS.—Construction project proposals shall be negotiated pursuant to the statutory process in section 105(m) and resulting construction project agreements shall be incorporated into funding agreements as addenda.

''(c) CODES AND STANDARDS.—The Indian tribe and the Secretary shall agree upon and specify appropriate building codes and architectural and engineering standards (including health and safety) which shall be in conformity with nationally recognized standards for comparable projects.

''(d) RESPONSIBILITY FOR COMPLETION.—The Indian tribe shall assume responsibility for the successful completion of the construction project in accordance with the negotiated construction project agreement.

''(e) FUNDING.—Funding for construction projects carried out under this title shall be included in funding agreements as annual advance payments, with semiannual payments at the option of the Indian tribe. Annual advance and semiannual payment amounts shall be determined based on mutually agreeable project schedules reflecting work to be accomplished within the advance payment period, work accomplished and funds expended in previous payment periods, and the total prior payments. The Secretary shall include associated project contingency funds with each advance payment installment. The Indian tribe shall be responsible for the management of the contingency funds included in funding agreements.

''(f) APPROVAL.—The Secretary shall have at least 1 opportunity to approve project planning and design documents prepared by the Indian tribe in advance of construction of the facilities specified in the scope of work for each negotiated construction project agreement or amendment thereof which results in a significant change in the original scope of work. The Indian tribe shall provide the Secretary with project progress and financial reports not less than semiannually. The Secretary may conduct onsite project oversight visits semiannually or on an alternate schedule agreed to by the Secretary and the Indian tribe.

''(g) WAGES.—All laborers and mechanics employed by contractors and subcontractors in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects undertaken by self-governance Indian tribes under this Act, shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Indian tribe.

''(h) APPLICATION OF OTHER LAWS.—Unless otherwise agreed to by the Indian tribe, no provision of the Office of Federal Procurement Policy Act, the Federal Acquisition Regulations issued pursuant thereto, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction project conducted under this title.

''SEC. 510. FEDERAL PROCUREMENT LAWS AND REGULATIONS.

''Notwithstanding any other provision of law, unless expressly agreed to by the participating Indian tribe, the compacts and funding agreements entered into under this title shall not be subject to Federal contracting or cooperative agreement laws and regulations (including Executive orders and the regulations relating to procurement issued by the Secretary), except to the extent that such laws expressly apply to Indian tribes.

''SEC. 511. CIVIL ACTIONS.

''(a) CONTRACT DEFINED.—For the purposes of section 110, the term 'contract' shall include compacts and funding agreements entered into under this title.

''(b) APPLICABILITY OF CERTAIN LAWS.—Section 2103 of the Revised Statutes (25 U.S.C. 81) and section 16 of the Act of June 18, 1934 (48 Stat. 987; chapter 576; 25 U.S.C. 476), shall not apply to attorney and other professional contracts entered into by Indian tribes participating in self-governance under this title.

''(c) REFERENCES.—All references in this Act to section 1 of the Act of June 26, 1936 (49 Stat. 1967; chapter 831) are hereby deemed to include the first section of the Act of July 3, 1952 (66 Stat. 323, chapter 549; 25 U.S.C. 82a).

''SEC. 512. FACILITATION.

''(a) SECRETARIAL INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders and regulations in a manner that will facilitate—

''(1) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in the agreements entered into under this section;

''(2) the implementation of compacts and funding agreements entered into under this title; and

''(3) the achievement of tribal health goals and objectives.

''(b) REGULATION WAIVER.—

''(1) IN GENERAL.—An Indian tribe may submit a written request to waive application of a regulation promulgated under section 517 or the authorities specified in section 505(b) for a compact or funding agreement entered

into with the Indian Health Service under this title, to the Secretary identifying the applicable Federal regulation sought to be waived and the basis for the request.

''(2) APPROVAL.—Not later than 90 days after receipt by the Secretary of a written request by an Indian tribe to waive application of a regulation for a compact or funding agreement entered into under this title, the Secretary shall either approve or deny the requested waiver in writing. A denial may be made only upon a specific finding by the Secretary that identified language in the regulation may not be waived because such waiver is prohibited by Federal law. A failure to approve or deny a waiver request not later than 90 days after receipt shall be deemed an approval of such request. The Secretary's decision shall be final for the Department.

''(c) ACCESS TO FEDERAL PROPERTY.—In connection with any compact or funding agreement executed pursuant to this title or an agreement negotiated under the Tribal Self-Governance Demonstration Project established under title III, as in effect before the enactment of the Tribal Self-Governance Amendments of 1999, upon the request of an Indian tribe, the Secretary—

''(1) shall permit an Indian tribe to use existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon by the Secretary and the Indian tribe for their use and maintenance;

''(2) may donate to an Indian tribe title to any personal or real property found to be excess to the needs of any agency of the Department, or the General Services Administration, except that—

''(A) subject to the provisions of subparagraph (B), title to property and equipment furnished by the Federal Government for use in the performance of the compact or funding agreement or purchased with funds under any compact or funding agreement shall, unless otherwise requested by the Indian tribe, vest in the appropriate Indian tribe;

''(B) if property described in subparagraph (A) has a value in excess of $5,000 at the time of retrocession, withdrawal, or reassumption, at the option of the Secretary upon the retrocession, withdrawal, or reassumption, title to such property and equipment shall revert to the Department of Health and Human Services; and

''(C) all property referred to in subparagraph (A) shall remain eligible for replacement, maintenance, and improvement on the same basis as if title to such property were vested in the United States; and

''(3) shall acquire excess or surplus Government personal or real property for donation to an Indian tribe if the Secretary determines the property is appropriate for use by the Indian tribe for any purpose for which a compact or funding agreement is authorized under this title.

''(d) MATCHING OR COST-PARTICIPATION REQUIREMENT.—All funds provided under compacts, funding agreements, or grants made pursuant to this Act, shall be treated as non-Federal funds for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program.

''(e) STATE FACILITATION.—States are hereby authorized and encouraged to enact legislation, and to enter into agreements with Indian tribes to facilitate and supplement the initiatives, programs, and policies authorized by this title and other Federal laws benefiting Indians and Indian tribes.

''(f) RULES OF CONSTRUCTION.—Each provision of this title and each provision of a compact or funding agreement shall be liberally construed for the benefit of the Indian tribe participating in self-governance and any ambiguity shall be resolved in favor of the Indian tribe.

"SEC. 513. BUDGET REQUEST.

''(a) REQUIREMENT OF ANNUAL BUDGET REQUEST.—

''(1) IN GENERAL.—The President shall identify in the annual budget request submitted to Congress under section 1105 of title 31, United States Code, all funds necessary to fully fund all funding agreements authorized under this title, including funds specifically identified to fund tribal base budgets. All funds so appropriated shall be apportioned to the Indian Health Service. Such funds shall be provided to the Office of Tribal Self-Governance which shall be responsible for distribution of all funds provided under section 505.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Indian Health Service to reduce the amount of funds that a self-governance tribe is otherwise entitled to receive under its funding agreement or other applicable law, whether or not such funds are apportioned to the Office of Tribal Self-Governance under this section.

''(b) PRESENT FUNDING; SHORTFALLS.—In such budget request, the President shall identify the level of need presently funded and any shortfall in funding (including direct program and contract support costs) for each Indian tribe, either directly by the Secretary of Health and Human Services, under self-determination contracts, or under compacts and funding agreements authorized under this title.

"SEC. 514. REPORTS.

''(a) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than January 1 of each year after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a written report regarding the administration of this title.

''(2) ANALYSIS.—The report under paragraph (1) shall include a detailed analysis of the level of need being presently funded or unfunded for each Indian tribe, either directly by the Secretary, under self-determination contracts under title I, or under compacts and funding agreements authorized under this Act. In compiling reports pursuant to this section, the Secretary may not impose any reporting requirements on participating Indian tribes or tribal organizations, not otherwise provided in this Act.

''(b) CONTENTS.—The report under subsection (a) shall—

''(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds; and

''(2) identify—

''(A) the relative costs and benefits of self-governance;

''(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian tribes and their members;

''(C) the funds transferred to each self-governance Indian tribe and the corresponding reduction in the Federal bureaucracy;

''(D) the funding formula for individual tribal shares of all headquarters funds, together with the comments of affected Indian tribes or tribal organizations, developed under subsection (c); and

''(E) amounts expended in the preceding fiscal year to carry out inherent Federal functions, including an identification of those functions by type and location;

''(3) contain a description of the method or methods (or any revisions thereof) used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements;

''(4) before being submitted to Congress, be distributed to the Indian tribes for comment (with a comment period of no less than 30 days, beginning on the date of distribution); and

''(5) include the separate views and comments of the Indian tribes or tribal organizations.

''(c) REPORT ON FUND DISTRIBUTION METHOD.—Not later than 180 days after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall, after consultation with Indian tribes, submit a written report to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate that describes the method or methods used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements.

"SEC. 515. DISCLAIMERS.

''(a) NO FUNDING REDUCTION.—Nothing in this title shall be construed to limit or reduce in any way the funding for any program, project, or activity serving an Indian tribe under this or other applicable Federal law. Any Indian tribe that alleges that a compact or funding agreement is in violation of this section may apply the provisions of section 110.

''(b) FEDERAL TRUST AND TREATY RESPONSIBILITIES.—Nothing in this Act shall be construed to diminish in any way the trust responsibility of the United States to Indian tribes and individual Indians that exists under treaties, Executive orders, or other laws and court decisions.

''(c) TRIBAL EMPLOYMENT.—For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372) (commonly known as the 'National Labor Relations Act'), an Indian tribe carrying out a self-determination contract, compact, annual funding agreement, grant, or cooperative agreement under this Act shall not be considered an employer.

''(d) OBLIGATIONS OF THE UNITED STATES.—The Indian Health Service under this Act shall neither bill nor charge those Indians who may have the economic means to pay for services, nor require any Indian tribe to do so.

"SEC. 516. APPLICATION OF OTHER SECTIONS OF THE ACT.

''(a) MANDATORY APPLICATION.—All provisions of sections 5(b), 6, 7, 102 (c) and (d), 104, 105 (k) and (l), 106 (a) through (k), and 111 of this Act and section 314 of Public Law 101–512 (coverage under chapter 171 of title 28, United States Code, commonly known as the 'Federal Tort Claims Act'), to the extent not in conflict with this title, shall apply to compacts and funding agreements authorized by this title.

''(b) DISCRETIONARY APPLICATION.—At the request of a participating Indian tribe, any other provision of title I, to the extent such provision is not in conflict with this title, shall be made a part of a funding agreement or compact entered into under this title. The Secretary is obligated to include such provision at the option of the participating Indian tribe or tribes. If such provision is incorporated it shall have the same force and effect as if it were set out in full in this title. In the event an Indian tribe requests such incorporation at the negotiation stage of a compact or funding agreement, such incorporation shall be deemed effective immediately

and shall control the negotiation and resulting compact and funding agreement.

"SEC. 517. REGULATIONS.

''(a) IN GENERAL.—

''(1) PROMULGATION.—Not later than 90 days after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

''(2) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this title shall be published in the Federal Register by the Secretary no later than 1 year after the date of enactment of the Tribal Self-Governance Amendments of 1999.

''(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under paragraph (1) shall expire 21 months after the date of enactment of the Tribal Self-Governance Amendments of 1999.

''(b) COMMITTEE.—

''(1) IN GENERAL.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this Act.

''(2) REQUIREMENTS.—The committee shall confer with, and accommodate participation by, representatives of Indian tribes, intertribal consortia, tribal organizations, and individual tribal members.

''(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

''(d) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

''(e) EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCES, AND RULES.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Indian Health Service, except for the eligibility provisions of section 105(g) and regulations promulgated under section 517.

"SEC. 518. APPEALS.

''In any appeal (including civil actions) involving decisions made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence—

''(1) the validity of the grounds for the decision made; and

''(2) that the decision is fully consistent with provisions and policies of this title.

"SEC. 519. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

''(b) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of this Act, the provision of funds under this Act shall be subject to the availability of appropriations and the Secretary is not required to reduce funding for programs, projects, or activities serving a tribe in order to make funds available to another tribe or tribal organization under this Act.''.

SEC. 5. TRIBAL SELF-GOVERNANCE DEPARTMENT.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE VI—TRIBAL SELF-GOVERNANCE—DEPARTMENT OF HEALTH AND HUMAN SERVICES

"SEC. 601. DEFINITIONS.

''(a) IN GENERAL.—In this title, the Secretary may apply the definitions contained in title V.

''(b) OTHER DEFINITIONS.—In this title:

''(1) AGENCY.—The term the term 'agency' means any agency or other organizational unit of the Department of Health and Human Services, other than the Indian Health Service.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"SEC. 602. DEMONSTRATION PROJECT FEASIBILITY.

''(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of a tribal self-governance demonstration project for appropriate programs, services, functions, and activities (or portions thereof) of the agency.

''(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider—

''(1) the probable effects on specific programs and program beneficiaries of such a demonstration project;

''(2) statutory, regulatory, or other impediments to implementation of such a demonstration project;

''(3) strategies for implementing such a demonstration project;

''(4) probable costs or savings associated with such a demonstration project;

''(5) methods to assure quality and accountability in such a demonstration project; and

''(6) such other issues that may be determined by the Secretary or developed through consultation pursuant to section 603.

''(c) REPORT.—Not later than 18 months after the date of enactment of this title, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives. The report shall contain—

''(1) the results of the study under this section;

''(2) a list of programs, services, functions, and activities (or portions thereof) within each agency with respect to which it would be feasible to include in a tribal self-governance demonstration project;

''(3) a list of programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) that could be included in a tribal self-governance demonstration project without amending statutes, or waiving regulations that the Secretary may not waive;

''(4) a list of legislative actions required in order to include those programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) but not included in the list provided pursuant to paragraph (3) in a tribal self-governance demonstration project; and

''(5) any separate views of tribes and other entities consulted pursuant to section 603 related to the information provided pursuant to paragraphs (1) through (4).

"SEC. 603. CONSULTATION.

''(a) STUDY PROTOCOL.—

''(1) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with Indian tribes to determine a protocol for consultation under subsection (b) prior to consultation under such subsection with the other entities described in such subsection.

''(2) REQUIREMENTS FOR PROTOCOL.—The protocol shall require, at a minimum, that—

''(A) the government-to-government relationship with Indian tribes forms the basis for the consultation process;

''(B) the Indian tribes and the Secretary jointly conduct the consultations required by this section; and

''(C) the consultation process allows for separate and direct recommendations from the Indian tribes and other entities described in subsection (b).

''(b) CONDUCTING STUDY.—In conducting the study under this title, the Secretary shall consult with Indian tribes, States, counties, municipalities, program beneficiaries, and interested public interest groups, and may consult with other entities as appropriate.

"SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for fiscal years 2000 and 2001 such sums as may be necessary to carry out this title. Such sums shall remain available until expended.''.

SEC. 6. AMENDMENTS CLARIFYING CIVIL PROCEEDINGS.

Section 102(e)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(e)(1)) is amended by inserting after ''subsection (b)(3)'' the following: ''or any civil action conducted pursuant to section 110(a)''.

SEC. 7. SPEEDY ACQUISITION OF GOODS, SERVICES, OR SUPPLIES.

Section 105(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(k)) is amended—

(1) by striking ''deemed an executive agency'' and inserting ''deemed an executive agency and part of the Indian Health Service''; and

(2) by adding at the end the following: ''For purposes of carrying out such contract, grant, or agreement, the Secretary shall, at the request of an Indian tribe, enter into an agreement for the acquisition, on behalf of the Indian tribe, of any goods, services, or supplies available to the Secretary from the General Services Administration or other Federal agencies that are not directly available to the Indian tribe under this section or under any other Federal law, including acquisitions from prime vendors. All such acquisitions shall be undertaken through the most efficient and speedy means practicable, including electronic ordering arrangements.''.

SEC. 8. PATIENT RECORDS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j) is amended by adding at the end the following:

''(o) PATIENT RECORDS.—

''(1) IN GENERAL.—At the option of an Indian tribe or tribal organization, patient records may be deemed to be Federal records under those provisions of title 44, United States Code, that are commonly referred to as the 'Federal Records Act of 1950' for the limited purposes of making such records eligible for storage by Federal Records Centers to the same extent and in the same manner as other Department of Health and Human Services patient records.

''(2) TREATMENT OF RECORDS.—Patient records that are deemed to be Federal records under those provisions of title 44, United States Code, that are commonly referred to as the 'Federal Records Act of 1950' pursuant to this subsection shall not be considered Federal records for the purposes of chapter 5 of title 5, United States Code.''.

SEC. 9. ANNUAL REPORTS.

Section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1) is amended—

(1) by redesignating subsections (c) through (n) as subsections (d) through (o), respectively; and

(2) by inserting after subsection (b), the following:

''(c) ANNUAL REPORTS.—Not later than May 15 of each year, the Secretary shall prepare and submit to Congress an annual report on the implementation of this Act. Such report shall include—

''(1) an accounting of the total amounts of funds provided for each program and the budget activity for direct program costs and contract support costs of tribal organizations under self-determination;

''(2) an accounting of any deficiency in funds needed to provide required contract support costs to all contractors for the fiscal year for which the report is being submitted;

''(3) the indirect cost rate and type of rate for each tribal organization that has been negotiated with the appropriate Secretary;

''(4) the direct cost base and type of base from which the indirect cost rate is determined for each tribal organization;

''(5) the indirect cost pool amounts and the types of costs included in the indirect cost pool; and

''(6) an accounting of any deficiency in funds needed to maintain the preexisting level of services to any Indian tribes affected by contracting activities under this Act, and a statement of the amount of funds needed for transitional purposes to enable contractors to convert from a Federal fiscal year accounting cycle, as authorized by section 105(d).''.

SEC. 10. REPEAL.

(a) IN GENERAL.—Title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is repealed.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

SEC. 11. SAVINGS PROVISION.

Funds appropriated for title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) shall be available for use under title V of such Act.

SEC. 12. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(1) facilitate advocacy for the development of appropriate Indian health policy; and

(2) promote consultation on matters related to Indian health.

(b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') may designate. The Assistant Secretary for Indian Health shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer to the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(A) by striking the following:

''Assistant Secretaries of Health and Human Services (6).''; and

(B) by inserting the following:

''Assistant Secretaries of Health and Human Services (7).''.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking the following:

''Director, Indian Health Service, Department of Health and Human Services.''.

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in the second sentence of paragraph (1), as so designated, by striking ''a Director,'' and inserting ''the Assistant Secretary for Indian Health,''; and

(3) by striking the third sentence of paragraph (1) and all that follows through the end of the subsection and inserting the following: ''The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2).

''(2) The Assistant Secretary for Indian Health shall—

''(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

''(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

''(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

''(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

''(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.''.

(f) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health, at the pleasure of the President after the date of enactment of this Act.

(g) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(A) in section 601—

(i) in subsection (c), by striking ''Director of the Indian Health Service'' both places it appears and inserting ''Assistant Secretary for Indian Health''; and

(ii) in subsection (d), by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''; and

(B) in section 816(c)(1), by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—The following provisions are each amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health'':

(A) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(B) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)).

(C) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)).

SEC. 13. APPLICATION TO ALASKA.

(a) Notwithstanding any other provision of law, nothing in this Act, the amendments made thereby, nor its implementation, shall affect

(1) the right of the Consortium or Southcentral Foundation to carry out the programs, functions, services and activities as specified in section 325 of Public Law 105–83 (111 Stat. 55–56), or

(2) the prohibitions in section 351 of section 101(e) of Division A, Public Law 105–277.

(b) Section 351 of section 101(e) of Division A, Public Law 105–277 and section 326 of Public Law 105–83 (111 Stat. 57) are amended by inserting ''as amended'' after the phrase ''Public Law 93–638 (25 U.S.C. 450 et seq.)'' where such phrase appears in each section.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, April 5, 2000, at 9:30 a.m. to markup the nomination of Thomas N. Slonaker, to be Special Trustee for American Indians within the Department of the Interior, and to conduct a hearing on S. 612, ''the Indian Needs Assessment and Program Evaluation Act of 1999.'' The hearing will be held in the committee room, 485 Russell Senate Building.

Those wishing additional information may contact Committee staff at 202/224–2251.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Commerce, Science, and Transportation will meet for an executive session on Thursday, April 13, 2000, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 4, 2000 at 9:30 a.m., in open session to receive testimony on U.S. support for counter-narcotics activities in the Andean Ridge and neighboring countries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Tuesday, April 4, 2000, at 2:30 p.m. on export administration reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 4, 2000, at 10:30 a.m. and 2:00 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 4, 2000 at 3:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 4, 2000 at 2:30 p.m., in open session to receive testimony on joint requirements, capabilities, and experimentation in review of the defense authorization request for fiscal year 2001 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DOMENICI. I ask unanimous consent that the staff of the Senate Budget Committee, including fellows and detailees included on the list I send to the desk, be permitted to remain on the Senate floor during consideration of S. Con. Res. 101 and that the list be printed in the RECORD. The list includes majority and minority staff.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MAJORITY STAFF

Dan Brandt, Amy Call, Jim Capretta, Allen Cutler, Beth Felder, Rachel Forward, Alice Grant, Richard Greenough, Jim Hearn, Bill Hoagland, Carole McGuire, Mieko Nakabayashi, Kelly Neville, Maureen O'Neill, Cheri Reidy, Andrew Siracuse, Amy Smith, Bob Stevenson, Margaret Stewart, Cheryle Tucker, Winslow Wheeler, Jennifer Winkler, Sandra Wiseman, Gary Ziehe.

MINORITY STAFF

Nisha Antony, Claudia Arko, Gabby Batkin, Frederic Baron, Steven Benson, Maggie Bierwirth, Patrick Bogenberger, Rock Cheung, Jim Exquea, Bruce King, Lisa Konwinski, Martin Morris, Sue Nelson, Barry Strumpf, Mitch Warren.

ADMINISTRATIVE STAFF

Alex Green, Sahand Sarshar, Lamar Staples, Lynne Seymour, George Woodall.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Sue Nelson and Mitch Warren be granted full access to the floor, and also Jim Hearn and Jim Capretta.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 96–114, as amended, announces the appointment of the following individuals to the Congressional Award Board: Elaine L. Chao, of Kentucky, and Linda Mitchell, of Mississippi.

The Chair, on behalf of the majority leader, after consultation with the Democratic Leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, announces the reappointment of the following individuals to serve as members of the Coordinating Council on Juvenile Justice and Delinquency Prevention: Michael W. McPhail, of Mississippi, to a one-year term; Dr. Larry K. Brendtro, of South Dakota, to a two-year term; and Charles Sims, of Mississippi, to a three-year term.

The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 89 (106th Congress), appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Senator from Mississippi (Mr. LOTT), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Connecticut (Mr. DODD).

TRIBAL SELF-GOVERNANCE AMENDMENTS OF 1999

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 412, S. 979.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 979) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tribal Self-Governance Amendments of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the Indian tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) the Tribal Self-Governance Demonstration Project, established under title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management;

(5) although the Federal Government has made considerable strides in improving Indian health care, it has failed to fully meet its trust responsibilities and to satisfy its obligations to the Indian tribes under treaties and other laws; and

(6) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that transferring full control and funding to tribal governments, upon tribal request, over decision making for Federal programs, services, functions, and activities (or portions thereof)—

(A) is an appropriate and effective means of implementing the Federal policy of government-to-government relations with Indian tribes; and

(B) strengthens the Federal policy of Indian self-determination.

SEC. 3. DECLARATION OF POLICY.

It is the policy of Congress—

(1) to permanently establish and implement tribal self-governance within the Department of Health and Human Services;

(2) to call for full cooperation from the Department of Health and Human Services and its constituent agencies in the implementation of tribal self-governance—

(A) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(B) to permit each Indian tribe to choose the extent of its participation in self-governance in accordance with the provisions of the Indian Self-Determination and Education Assistance Act relating to the provision of Federal services to Indian tribes;

(C) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(D) to affirm and enable the United States to fulfill its obligations to the Indian tribes under treaties and other laws;

(E) to strengthen the government-to-government relationship between the United States and Indian tribes through direct and meaningful consultation with all tribes;

(F) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority, control, funding, and discretion to plan, conduct, redesign, and administer programs, services, functions, and activities (or portions thereof) that meet the needs of the individual tribal communities;

(G) to provide for a measurable parallel reduction in the Federal bureaucracy as programs, services, functions, and activities (or portion thereof) are assumed by Indian tribes;

(H) to encourage the Secretary to identify all programs, services, functions, and activities (or portions thereof) of the Department of Health and Human Services that may be managed by an Indian tribe under this Act and to assist Indian tribes in assuming responsibility for such programs, services, functions, and activities (or portions thereof); and

(I) to provide Indian tribes with the earliest opportunity to administer programs, services, functions, and activities (or portions thereof) from throughout the Department of Health and Human Services.

SEC. 4. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE V—TRIBAL SELF-GOVERNANCE

"SEC. 501. DEFINITIONS.

''(a) IN GENERAL.—In this title:

''(1) CONSTRUCTION PROJECT.—The term 'construction project'—

''(A) means an organized noncontinuous undertaking to complete a specific set of predetermined objectives for the planning, environmental determination, design, construction, repair, improvement, or expansion of buildings or facilities, as described in a construction project agreement; and

''(B) does not include construction program administration and activities described in paragraphs (1) through (3) of section 4(m), that may otherwise be included in a funding agreement under this title.

''(2) CONSTRUCTION PROJECT AGREEMENT.—The term 'construction project agreement' means a negotiated agreement between the Secretary and an Indian tribe, that at a minimum—

''(A) establishes project phase start and completion dates;

''(B) defines a specific scope of work and standards by which it will be accomplished;

''(C) identifies the responsibilities of the Indian tribe and the Secretary;

''(D) addresses environmental considerations;

''(E) identifies the owner and operations and maintenance entity of the proposed work;

''(F) provides a budget;

''(G) provides a payment process; and

''(H) establishes the duration of the agreement based on the time necessary to complete the specified scope of work, which may be 1 or more years.

''(3) GROSS MISMANAGEMENT.—The term 'gross mismanagement' means a significant, clear, and convincing violation of a compact, funding agreement, or regulatory, or statutory requirements applicable to Federal funds transferred to an Indian tribe by a compact or funding agreement that results in a significant reduction of funds available for the programs, services, functions, or activities (or portions thereof) assumed by an Indian tribe.

''(4) INHERENT FEDERAL FUNCTIONS.—The term 'inherent Federal functions' means those Federal functions which cannot legally be delegated to Indian tribes.

''(5) INTER-TRIBAL CONSORTIUM.—The term 'inter-tribal consortium' means a coalition of 2 or more separate Indian tribes that join together for the purpose of participating in self-governance, including tribal organizations.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(7) SELF-GOVERNANCE.—The term 'self-governance' means the program of self-governance established under section 502.

''(8) TRIBAL SHARE.—The term 'tribal share' means an Indian tribe's portion of all funds and resources that support secretarial programs, services, functions, and activities (or portions thereof) that are not required by the Secretary for performance of inherent Federal functions.

''(b) INDIAN TRIBE.—In any case in which an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term 'Indian tribe' as used in this title shall include such other authorized Indian tribe, inter-tribal consortium, or tribal organization.

''SEC. 502. ESTABLISHMENT.

''The Secretary shall establish and carry out a program within the Indian Health Service of the Department of Health and Human Services to be known as the 'Tribal Self-Governance Program' in accordance with this title.

''SEC. 503. SELECTION OF PARTICIPATING INDIAN TRIBES.

''(a) CONTINUING PARTICIPATION.—Each Indian tribe that is participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title may elect to participate in self-governance under this title under existing authority as reflected in tribal resolution.

''(b) ADDITIONAL PARTICIPANTS.—

''(1) IN GENERAL.—In addition to those Indian tribes participating in self-governance under subsection (a), each year an additional 50 Indian tribes that meet the eligibility criteria specified in subsection (c) shall be entitled to participate in self-governance.

''(2) TREATMENT OF CERTAIN INDIAN TRIBES.—

''(A) IN GENERAL.—An Indian tribe that has withdrawn from participation in an inter-tribal consortium or tribal organization, in whole or in part, shall be entitled to participate in self-governance provided the Indian tribe meets the eligibility criteria specified in subsection (c).

''(B) EFFECT OF WITHDRAWAL.—If an Indian tribe has withdrawn from participation in an inter-tribal consortium or tribal organization, that Indian tribe shall be entitled to its tribal share of funds supporting those programs, services, functions, and activities (or portions thereof) that the Indian tribe will be carrying out under the compact and funding agreement of the Indian tribe.

''(C) PARTICIPATION IN SELF-GOVERNANCE.—In no event shall the withdrawal of an Indian tribe from an inter-tribal consortium or tribal organization affect the eligibility of the inter-tribal consortium or tribal organization to participate in self-governance.

''(c) APPLICANT POOL.—

''(1) IN GENERAL.—The qualified applicant pool for self-governance shall consist of each Indian tribe that—

''(A) successfully completes the planning phase described in subsection (d);

''(B) has requested participation in self-governance by resolution or other official action by the governing body of each Indian tribe to be served; and

''(C) has demonstrated, for 3 fiscal years, financial stability and financial management capability.

''(2) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For purposes of this subsection, evidence that, during the 3-year period referred to in paragraph (1)(C), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

''(d) PLANNING PHASE.—Each Indian tribe seeking participation in self-governance shall complete a planning phase. The planning phase shall be conducted to the satisfaction of the Indian tribe and shall include—

''(1) legal and budgetary research; and

''(2) internal tribal government planning and organizational preparation relating to the administration of health care programs.

''(e) GRANTS.—Subject to the availability of appropriations, any Indian tribe meeting the requirements of paragraph (1) (B) and (C) of subsection (c) shall be eligible for grants—

''(1) to plan for participation in self-governance; and

''(2) to negotiate the terms of participation by the Indian tribe or tribal organization in self-governance, as set forth in a compact and a funding agreement.

''(f) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under subsection (e) shall not be a requirement of participation in self-governance.

''SEC. 504. COMPACTS.

''(a) COMPACT REQUIRED.—The Secretary shall negotiate and enter into a written compact with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

''(b) CONTENTS.—Each compact required under subsection (a) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the Secretary, including such terms as the parties intend shall control year after year. Such compacts may only be amended by mutual agreement of the parties.

''(c) EXISTING COMPACTS.—An Indian tribe participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title shall have the option at any time after the date of enactment of this title to—

''(1) retain the Tribal Self-Governance Demonstration Project compact of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

''(2) instead of retaining a compact or portion thereof under paragraph (1), negotiate a new compact in a manner consistent with the requirements of this title.

''(d) TERM AND EFFECTIVE DATE.—The effective date of a compact shall be the date of the approval and execution by the Indian tribe or another date agreed upon by the parties, and shall remain in effect for so long as permitted by Federal law or until terminated by mutual written agreement, retrocession, or reassumption.

''SEC. 505. FUNDING AGREEMENTS.

''(a) FUNDING AGREEMENT REQUIRED.—The Secretary shall negotiate and enter into a written funding agreement with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

''(b) CONTENTS.—

''(1) IN GENERAL.—Each funding agreement required under subsection (a) shall, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding, including tribal shares of discretionary Indian Health Service competitive grants (excluding congressionally earmarked competitive grants), for all programs, services, functions, and activities (or portions thereof), that are carried out for the benefit of Indians because of their status as Indians without regard to the agency or office of the Indian Health Service (or of such other agency) within which the program, service, function, or activity (or portion thereof) is performed.

''(2) INCLUSION OF CERTAIN PROGRAMS, SERVICES, FUNCTIONS, AND ACTIVITIES.—Such programs, services, functions, or activities (or portions thereof) include all programs, services, functions, activities (or portions thereof), including grants (which may be added to a funding agreement after an award of such grants), with respect to which Indian tribes or Indians are primary or significant beneficiaries, administered by the Department of Health and Human Services through the Indian Health Service and all local, field, service unit, area, regional, and central headquarters or national office functions administered under the authority of—

''(A) the Act of November 2, 1921 (42 Stat. 208, chapter 115; 25 U.S.C. 13);

''(B) the Act of April 16, 1934 (48 Stat. 596, chapter 147; 25 U.S.C. 452 et seq.);

''(C) the Act of August 5, 1954 (68 Stat. 674, chapter 658);

''(D) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);

''(E) the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.);

''(F) any other Act of Congress authorizing any agency of the Department of Health and Human Services to administer, carry out, or provide financial assistance to such a program, service, function or activity (or portions thereof) described in this section that is carried out for the benefit of Indians because of their status as Indians; or

''(G) any other Act of Congress authorizing such a program, service, function, or activity (or portions thereof) carried out for the benefit of Indians under which appropriations are made available to any agency other than an agency

within the Department of Health and Human Services, in any case in which the Secretary administers that program, service, function, or activity (or portion thereof).

''(c) INCLUSION IN COMPACT OR FUNDING AGREEMENT.—It shall not be a requirement that an Indian tribe or Indians be identified in the authorizing statute for a program or element of a program to be eligible for inclusion in a compact or funding agreement under this title.

''(d) FUNDING AGREEMENT TERMS.—Each funding agreement under this title shall set forth—

''(1) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered; and

''(2) for the items identified in paragraph (1)—

''(A) the general budget category assigned;

''(B) the funds to be provided, including those funds to be provided on a recurring basis;

''(C) the time and method of transfer of the funds;

''(D) the responsibilities of the Secretary; and

''(E) any other provision with respect to which the Indian tribe and the Secretary agree.

''(e) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian tribe that is withdrawing or retroceding the operation of 1 or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, and the terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

''(f) EXISTING FUNDING AGREEMENTS.—Each Indian tribe participating in the Tribal Self-Governance Demonstration Project established under title III on the date of enactment of this title shall have the option at any time thereafter to—

''(1) retain the Tribal Self-Governance Demonstration Project funding agreement of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

''(2) instead of retaining a funding agreement or portion thereof under paragraph (1), negotiate a new funding agreement in a manner consistent with the requirements of this title.

''(g) STABLE BASE FUNDING.—At the option of an Indian tribe, a funding agreement may provide for a stable base budget specifying the recurring funds (including, for purposes of this provision, funds available under section 106(a)) to be transferred to such Indian tribe, for such period as may be specified in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations by sub-sub activity excluding earmarks.

"SEC. 506. GENERAL PROVISIONS.

''(a) APPLICABILITY.—The provisions of this section shall apply to compacts and funding agreements negotiated under this title and an Indian tribe may, at its option, include provisions that reflect such requirements in a compact or funding agreement.

''(b) CONFLICTS OF INTEREST.—Indian tribes participating in self-governance under this title shall ensure that internal measures are in place to address conflicts of interest in the administration of self-governance programs, services, functions, or activities (or portions thereof).

''(c) AUDITS.—

''(1) SINGLE AGENCY AUDIT ACT.—The provisions of chapter 75 of title 31, United States Code, requiring a single agency audit report shall apply to funding agreements under this title.

''(2) COST PRINCIPLES.—An Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by section 106, or by any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit under this subsection shall be subject to the provisions of section 106(f).

''(d) RECORDS.—

''(1) IN GENERAL.—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of the Indian tribe shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

''(2) RECORDKEEPING SYSTEM.—The Indian tribe shall maintain a recordkeeping system, and, after 30 days advance notice, provide the Secretary with reasonable access to such records to enable the Department of Health and Human Services to meet its minimum legal recordkeeping system requirements under sections 3101 through 3106 of title 44, United States Code.

''(e) REDESIGN AND CONSOLIDATION.—An Indian tribe may redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement under section 305 and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) in any manner which the Indian tribe deems to be in the best interest of the health and welfare of the Indian community being served, only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law.

''(f) RETROCESSION.—An Indian tribe may retrocede, fully or partially, to the Secretary programs, services, functions, or activities (or portions thereof) included in the compact or funding agreement. Unless the Indian tribe rescinds the request for retrocession, such retrocession will become effective within the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, such retrocession shall become effective on—

''(1) the earlier of—

''(A) 1 year after the date of submission of such request; or

''(B) the date on which the funding agreement expires; or

''(2) such date as may be mutually agreed upon by the Secretary and the Indian tribe.

''(g) WITHDRAWAL.—

''(1) PROCESS.—

''(A) IN GENERAL.—An Indian tribe may fully or partially withdraw from a participating inter-tribal consortium or tribal organization its share of any program, function, service, or activity (or portions thereof) included in a compact or funding agreement.

''(B) EFFECTIVE DATE.—The withdrawal referred to in subparagraph (A) shall become effective within the timeframe specified in the resolution which authorizes transfer to the participating tribal organization or inter-tribal consortium. In the absence of a specific timeframe set forth in the resolution, such withdrawal shall become effective on—

''(i) the earlier of—

''(I) 1 year after the date of submission of such request; or

''(II) the date on which the funding agreement expires; or

''(ii) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and the participating tribal organization or inter-tribal consortium that has signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

''(2) DISTRIBUTION OF FUNDS.—When an Indian tribe or tribal organization eligible to enter into a self-determination contract under title I or a compact or funding agreement under this title fully or partially withdraws from a participating inter-tribal consortium or tribal organization—

''(A) the withdrawing Indian tribe or tribal organization shall be entitled to its tribal share of funds supporting those programs, services, functions, or activities (or portions thereof) that the Indian tribe will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated in the funding agreement of the inter-tribal consortium or tribal organization); and

''(B) the funds referred to in subparagraph (A) shall be transferred from the funding agreement of the inter-tribal consortium or tribal organization, on the condition that the provisions of sections 102 and 105(i), as appropriate, shall apply to that withdrawing Indian tribe.

''(3) REGAINING MATURE CONTRACT STATUS.—If an Indian tribe elects to operate all or some programs, services, functions, or activities (or portions thereof) carried out under a compact or funding agreement under this title through a self-determination contract under title I, at the option of the Indian tribe, the resulting self-determination contract shall be a mature self-determination contract.

''(h) NONDUPLICATION.—For the period for which, and to the extent to which, funding is provided under this title or under the compact or funding agreement, the Indian tribe shall not be entitled to contract with the Secretary for such funds under section 102, except that such Indian tribe shall be eligible for new programs on the same basis as other Indian tribes.

"SEC. 507. PROVISIONS RELATING TO THE SECRETARY.

''(a) MANDATORY PROVISIONS.—

''(1) HEALTH STATUS REPORTS.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision that requires the Indian tribe to report on health status and service delivery—

''(A) to the extent such data is not otherwise available to the Secretary and specific funds for this purpose are provided by the Secretary under the funding agreement; and

''(B) if such reporting shall impose minimal burdens on the participating Indian tribe and such requirements are promulgated under section 517.

''(2) REASSUMPTION.—

''(A) IN GENERAL.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision authorizing the Secretary to reassume operation of a program, service, function, or activity (or portions thereof) and associated funding if there is a specific finding relative to that program, service, function, or activity (or portion thereof) of—

''(i) imminent endangerment of the public health caused by an act or omission of the Indian tribe, and the imminent endangerment arises out of a failure to carry out the compact or funding agreement; or

''(ii) gross mismanagement with respect to funds transferred to a tribe by a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

''(B) PROHIBITION.—The Secretary shall not reassume operation of a program, service, function, or activity (or portions thereof) unless—

''(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe; and

''(ii) the Indian tribe has not taken corrective action to remedy the imminent endangerment to public health or gross mismanagement.

''(C) EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (B), the Secretary may, upon written notification to the Indian tribe, immediately reassume operation of a program, service, function, or activity (or portion thereof) if—

''(I) the Secretary makes a finding of imminent substantial and irreparable endangerment

of the public health caused by an act or omission of the Indian tribe; and

''(II) the endangerment arises out of a failure to carry out the compact or funding agreement.

''(ii) REASSUMPTION.—If the Secretary reassumes operation of a program, service, function, or activity (or portion thereof) under this subparagraph, the Secretary shall provide the Indian tribe with a hearing on the record not later than 10 days after such reassumption.

''(D) HEARINGS.—In any hearing or appeal involving a decision to reassume operation of a program, service, function, or activity (or portion thereof), the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence the validity of the grounds for the reassumption.

''(b) FINAL OFFER.—In the event the Secretary and a participating Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary. Not more than 45 days after such submission, or within a longer time agreed upon by the Indian tribe, the Secretary shall review and make a determination with respect to such offer. In the absence of a timely rejection of the offer, in whole or in part, made in compliance with subsection (c), the offer shall be deemed agreed to by the Secretary.

''(c) REJECTION OF FINAL OFFERS.—

''(1) IN GENERAL.—If the Secretary rejects an offer made under subsection (b) (or 1 or more provisions or funding levels in such offer), the Secretary shall provide—

''(A) a timely written notification to the Indian tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

''(i) the amount of funds proposed in the final offer exceeds the applicable funding level to which the Indian tribe is entitled under this title;

''(ii) the program, function, service, or activity (or portion thereof) that is the subject of the final offer is an inherent Federal function that cannot legally be delegated to an Indian tribe;

''(iii) the Indian tribe cannot carry out the program, function, service, or activity (or portion thereof) in a manner that would not result in significant danger or risk to the public health; or

''(iv) the Indian tribe is not eligible to participate in self-governance under section 503;

''(B) technical assistance to overcome the objections stated in the notification required by subparagraph (A);

''(C) the Indian tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter and the opportunity for appeal on the objections raised, except that the Indian tribe may, in lieu of filing such appeal, directly proceed to initiate an action in a Federal district court pursuant to section 110(a); and

''(D) the Indian tribe with the option of entering into the severable portions of a final proposed compact or funding agreement, or provision thereof, (including a lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions.

''(2) EFFECT OF EXERCISING CERTAIN OPTION.—If an Indian tribe exercises the option specified in paragraph (1)(D), that Indian tribe shall retain the right to appeal the Secretary's rejection under this section, and subparagraphs (A), (B), and (C) of that paragraph shall only apply to that portion of the proposed final compact, funding agreement, or provision thereof that was rejected by the Secretary.

''(d) BURDEN OF PROOF.—With respect to any hearing or appeal or civil action conducted pursuant to this section, the Secretary shall have the burden of demonstrating by clear and convincing evidence the validity of the grounds for rejecting the offer (or a provision thereof) made under subsection (b).

''(e) GOOD FAITH.—In the negotiation of compacts and funding agreements the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy. The Secretary shall carry out this title in a manner that maximizes the policy of tribal self-governance, in a manner consistent with the purposes specified in section 3 of the Tribal Self-Governance Amendments of 1999.

''(f) SAVINGS.—To the extent that programs, functions, services, or activities (or portions thereof) carried out by Indian tribes under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of tribal shares and other funds determined under section 508(c), the Secretary shall make such savings available to the Indian tribes, inter-tribal consortia, or tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and compacted programs.

''(g) TRUST RESPONSIBILITY.—The Secretary is prohibited from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

''(h) DECISIONMAKER.—A decision that constitutes final agency action and relates to an appeal within the Department of Health and Human Services conducted under subsection (c) shall be made either—

''(1) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

''(2) by an administrative judge.

"SEC. 508. TRANSFER OF FUNDS.

''(a) IN GENERAL.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement, pursuant to subsection (c), and provide funding for periods covered by joint resolution adopted by Congress making continuing appropriations, to the extent permitted by such resolutions. In any instance where a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year, or requires semiannual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department, unless the funding agreement provides otherwise.

''(b) MULTIYEAR FUNDING.—The Secretary may employ, upon tribal request, multiyear funding agreements. References in this title to funding agreements shall include such multiyear funding agreements.

''(c) AMOUNT OF FUNDING.—The Secretary shall provide funds under a funding agreement under this title in an amount equal to the amount that the Indian tribe would have been entitled to receive under self-determination contracts under this Act, including amounts for direct program costs specified under section 106(a)(1) and amounts for contract support costs specified under section 106(a) (2), (3), (5), and (6), including any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian tribe or its members, all without regard to the organizational level within the Department where such functions are carried out.

''(d) PROHIBITIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is expressly prohibited from—

''(A) failing or refusing to transfer to an Indian tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this Act, except as required by Federal law;

''(B) withholding portions of such funds for transfer over a period of years; and

''(C) reducing the amount of funds required under this Act—

''(i) to make funding available for self-governance monitoring or administration by the Secretary;

''(ii) in subsequent years, except pursuant to—

''(I) a reduction in appropriations from the previous fiscal year for the program or function to be included in a compact or funding agreement;

''(II) a congressional directive in legislation or accompanying report;

''(III) a tribal authorization;

''(IV) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

''(V) completion of a project, activity, or program for which such funds were provided;

''(iii) to pay for Federal functions, including Federal pay costs, Federal employee retirement benefits, automated data processing, technical assistance, and monitoring of activities under this Act; or

''(iv) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance;

''(2) EXCEPTION.—The funds described in paragraph (1)(C) may be increased by the Secretary if necessary to carry out this Act or as provided in section 105(c)(2).

''(e) OTHER RESOURCES.—In the event an Indian tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation including the use of interagency motor pool vehicles) or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary shall acquire and transfer such personnel, supplies, or resources to the Indian tribe.

''(f) REIMBURSEMENT TO INDIAN HEALTH SERVICE.—With respect to functions transferred by the Indian Health Service to an Indian tribe, the Indian Health Service shall provide goods and services to the Indian tribe, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received from those goods and services, along with the funds received from the Indian tribe pursuant to this title, may be credited to the same or subsequent appropriation account which provided the funding, such amounts to remain available until expended.

''(g) PROMPT PAYMENT ACT.—Chapter 39 of title 31, United States Code, shall apply to the transfer of funds due under a compact or funding agreement authorized under this title.

''(h) INTEREST OR OTHER INCOME ON TRANSFERS.—An Indian tribe is entitled to retain interest earned on any funds paid under a compact or funding agreement to carry out governmental or health purposes and such interest shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the interest is earned or in any subsequent fiscal year. Funds transferred under this title shall be managed using the prudent investment standard.

''(i) CARRYOVER OF FUNDS.—All funds paid to an Indian tribe in accordance with a compact or funding agreement shall remain available until expended. In the event that an Indian tribe elects to carry over funding from 1 year to the next, such carryover shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in that or any subsequent fiscal year.

''(j) PROGRAM INCOME.—All medicare, medicaid, or other program income earned by an Indian tribe shall be treated as supplemental funding to that negotiated in the funding agreement. The Indian tribe may retain all such income and expend such funds in the current year or in future years except to the extent that the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) provides otherwise for medicare and medicaid receipts. Such funds shall not result in any offset or reduction in the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the program income is received or for any subsequent fiscal year.

''(k) LIMITATION OF COSTS.—An Indian tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement. If at any time the Indian tribe has reason to believe that the total amount provided for a specific activity in the compact or funding agreement is insufficient the Indian tribe shall provide reasonable notice of such insufficiency to the Secretary. If the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian tribe may suspend performance of the activity until such time as additional funds are transferred.

''SEC. 509. CONSTRUCTION PROJECTS.

''(a) IN GENERAL.—Indian tribes participating in tribal self-governance may carry out construction projects under this title if they elect to assume all Federal responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and related provisions of law that would apply if the Secretary were to undertake a construction project, by adopting a resolution—

''(1) designating a certifying officer to represent the Indian tribe and to assume the status of a responsible Federal official under such laws; and

''(2) accepting the jurisdiction of the Federal court for the purpose of enforcement of the responsibilities of the responsible Federal official under such environmental laws.

''(b) NEGOTIATIONS.—Construction project proposals shall be negotiated pursuant to the statutory process in section 105(m) and resulting construction project agreements shall be incorporated into funding agreements as addenda.

''(c) CODES AND STANDARDS.—The Indian tribe and the Secretary shall agree upon and specify appropriate building codes and architectural and engineering standards (including health and safety) which shall be in conformity with nationally recognized standards for comparable projects.

''(d) RESPONSIBILITY FOR COMPLETION.—The Indian tribe shall assume responsibility for the successful completion of the construction project in accordance with the negotiated construction project agreement.

''(e) FUNDING.—Funding for construction projects carried out under this title shall be included in funding agreements as annual advance payments, with semiannual payments at the option of the Indian tribe. Annual advance and semiannual payment amounts shall be determined based on mutually agreeable project schedules reflecting work to be accomplished within the advance payment period, work accomplished and funds expended in previous payment periods, and the total prior payments. The Secretary shall include associated project contingency funds with each advance payment installment. The Indian tribe shall be responsible for the management of the contingency funds included in funding agreements.

''(f) APPROVAL.—The Secretary shall have at least 1 opportunity to approve project planning and design documents prepared by the Indian tribe in advance of construction of the facilities specified in the scope of work for each negotiated construction project agreement or amendment thereof which results in a significant change in the original scope of work. The Indian tribe shall provide the Secretary with project progress and financial reports not less than semiannually. The Secretary may conduct onsite project oversight visits semiannually or on an alternate schedule agreed to by the Secretary and the Indian tribe.

''(g) WAGES.—All laborers and mechanics employed by contractors and subcontractors in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects undertaken by self-governance Indian tribes under this Act, shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Indian tribe.

''(h) APPLICATION OF OTHER LAWS.—Unless otherwise agreed to by the Indian tribe, no provision of the Office of Federal Procurement Policy Act, the Federal Acquisition Regulations issued pursuant thereto, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction project conducted under this title.

''SEC. 510. FEDERAL PROCUREMENT LAWS AND REGULATIONS.

''Notwithstanding any other provision of law, unless expressly agreed to by the participating Indian tribe, the compacts and funding agreements entered into under this title shall not be subject to Federal contracting or cooperative agreement laws and regulations (including Executive orders and the regulations relating to procurement issued by the Secretary), except to the extent that such laws expressly apply to Indian tribes.

''SEC. 511. CIVIL ACTIONS.

''(a) CONTRACT DEFINED.—For the purposes of section 110, the term 'contract' shall include compacts and funding agreements entered into under this title.

''(b) APPLICABILITY OF CERTAIN LAWS.—Section 2103 of the Revised Statutes (25 U.S.C. 81) and section 16 of the Act of June 18, 1934 (48 Stat. 987; chapter 576; 25 U.S.C. 476), shall not apply to attorney and other professional contracts entered into by Indian tribes participating in self-governance under this title.

''(c) REFERENCES.—All references in this Act to section 1 of the Act of June 26, 1936 (49 Stat. 1967; chapter 831) are hereby deemed to include the first section of the Act of July 3, 1952 (66 Stat. 323, chapter 549; 25 U.S.C. 82a).

''SEC. 512. FACILITATION.

''(a) SECRETARIAL INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders and regulations in a manner that will facilitate—

''(1) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in the agreements entered into under this section;

''(2) the implementation of compacts and funding agreements entered into under this title; and

''(3) the achievement of tribal health goals and objectives.

''(b) REGULATION WAIVER.—

''(1) IN GENERAL.—An Indian tribe may submit a written request to waive application of a regulation promulgated under section 517 or the authorities specified in section 505(b) for a compact or funding agreement entered into with the Indian Health Service under this title, to the Secretary identifying the applicable Federal regulation sought to be waived and the basis for the request.

''(2) APPROVAL.—Not later than 90 days after receipt by the Secretary of a written request by an Indian tribe to waive application of a regulation for a compact or funding agreement entered into under this title, the Secretary shall either approve or deny the requested waiver in writing. A denial may be made only upon a specific finding by the Secretary that identified language in the regulation may not be waived because such waiver is prohibited by Federal law. A failure to approve or deny a waiver request not later than 90 days after receipt shall be deemed an approval of such request. The Secretary's decision shall be final for the Department.

''(c) ACCESS TO FEDERAL PROPERTY.—In connection with any compact or funding agreement executed pursuant to this title or an agreement negotiated under the Tribal Self-Governance Demonstration Project established under title III, as in effect before the enactment of the Tribal Self-Governance Amendments of 1999, upon the request of an Indian tribe, the Secretary—

''(1) shall permit an Indian tribe to use existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon by the Secretary and the Indian tribe for their use and maintenance;

''(2) may donate to an Indian tribe title to any personal or real property found to be excess to the needs of any agency of the Department, or the General Services Administration, except that—

''(A) subject to the provisions of subparagraph (B), title to property and equipment furnished by the Federal Government for use in the performance of the compact or funding agreement or purchased with funds under any compact or funding agreement shall, unless otherwise requested by the Indian tribe, vest in the appropriate Indian tribe;

''(B) if property described in subparagraph (A) has a value in excess of $5,000 at the time of retrocession, withdrawal, or reassumption, at the option of the Secretary upon the retrocession, withdrawal, or reassumption, title to such property and equipment shall revert to the Department of Health and Human Services; and

''(C) all property referred to in subparagraph (A) shall remain eligible for replacement, maintenance, and improvement on the same basis as if title to such property were vested in the United States; and

''(3) shall acquire excess or surplus Government personal or real property for donation to an Indian tribe if the Secretary determines the property is appropriate for use by the Indian tribe for any purpose for which a compact or funding agreement is authorized under this title.

''(d) MATCHING OR COST-PARTICIPATION REQUIREMENT.—All funds provided under compacts, funding agreements, or grants made pursuant to this Act, shall be treated as non-Federal funds for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program.

''(e) STATE FACILITATION.—States are hereby authorized and encouraged to enact legislation, and to enter into agreements with Indian tribes to facilitate and supplement the initiatives, programs, and policies authorized by this title and other Federal laws benefiting Indians and Indian tribes.

''(f) RULES OF CONSTRUCTION.—Each provision of this title and each provision of a compact or funding agreement shall be liberally construed for the benefit of the Indian tribe participating in self-governance and any ambiguity shall be resolved in favor of the Indian tribe.

''SEC. 513. BUDGET REQUEST.

''(a) REQUIREMENT OF ANNUAL BUDGET REQUEST.—

''(1) IN GENERAL.—The President shall identify in the annual budget request submitted to Congress under section 1105 of title 31, United States Code, all funds necessary to fully fund all funding agreements authorized under this title, including funds specifically identified to fund tribal base budgets. All funds so appropriated shall be apportioned to the Indian

Health Service. Such funds shall be provided to the Office of Tribal Self-Governance which shall be responsible for distribution of all funds provided under section 505.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Indian Health Service to reduce the amount of funds that a self-governance tribe is otherwise entitled to receive under its funding agreement or other applicable law, whether or not such funds are apportioned to the Office of Tribal Self-Governance under this section.

''(b) PRESENT FUNDING; SHORTFALLS.—In such budget request, the President shall identify the level of need presently funded and any shortfall in funding (including direct program and contract support costs) for each Indian tribe, either directly by the Secretary of Health and Human Services, under self-determination contracts, or under compacts and funding agreements authorized under this title.

"SEC. 514. REPORTS.

''(a) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than January 1 of each year after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a written report regarding the administration of this title.

''(2) ANALYSIS.—The report under paragraph (1) shall include a detailed analysis of the level of need being presently funded or unfunded for each Indian tribe, either directly by the Secretary, under self-determination contracts under title I, or under compacts and funding agreements authorized under this Act. In compiling reports pursuant to this section, the Secretary may not impose any reporting requirements on participating Indian tribes or tribal organizations, not otherwise provided in this Act.

''(b) CONTENTS.—The report under subsection (a) shall—

''(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds; and

''(2) identify—

''(A) the relative costs and benefits of self-governance;

''(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian tribes and their members;

''(C) the funds transferred to each self-governance Indian tribe and the corresponding reduction in the Federal bureaucracy;

''(D) the funding formula for individual tribal shares of all headquarters funds, together with the comments of affected Indian tribes or tribal organizations, developed under subsection (c); and

''(E) amounts expended in the preceding fiscal year to carry out inherent Federal functions, including an identification of those functions by type and location;

''(3) contain a description of the method or methods (or any revisions thereof) used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements;

''(4) before being submitted to Congress, be distributed to the Indian tribes for comment (with a comment period of no less than 30 days, beginning on the date of distribution); and

''(5) include the separate views and comments of the Indian tribes or tribal organizations.

''(c) REPORT ON FUND DISTRIBUTION METHOD.—Not later than 180 days after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall, after consultation with Indian tribes, submit a written report to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate that describes the method or methods used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements.

"SEC. 515. DISCLAIMERS.

''(a) NO FUNDING REDUCTION.—Nothing in this title shall be construed to limit or reduce in any way the funding for any program, project, or activity serving an Indian tribe under this or other applicable Federal law. Any Indian tribe that alleges that a compact or funding agreement is in violation of this section may apply the provisions of section 110.

''(b) FEDERAL TRUST AND TREATY RESPONSIBILITIES.—Nothing in this Act shall be construed to diminish in any way the trust responsibility of the United States to Indian tribes and individual Indians that exists under treaties, Executive orders, or other laws and court decisions.

''(c) TRIBAL EMPLOYMENT.—For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372) (commonly known as the 'National Labor Relations Act'), an Indian tribe carrying out a self-determination contract, compact, annual funding agreement, grant, or cooperative agreement under this Act shall not be considered an employer.

''(d) OBLIGATIONS OF THE UNITED STATES.—The Indian Health Service under this Act shall neither bill nor charge those Indians who may have the economic means to pay for services, nor require any Indian tribe to do so.

"SEC. 516. APPLICATION OF OTHER SECTIONS OF THE ACT.

''(a) MANDATORY APPLICATION.—All provisions of sections 5(b), 6, 7, 102 (c) and (d), 104, 105 (k) and (l), 106 (a) through (k), and 111 of this Act and section 314 of Public Law 101–512 (coverage under chapter 171 of title 28, United States Code, commonly known as the 'Federal Tort Claims Act'), to the extent not in conflict with this title, shall apply to compacts and funding agreements authorized by this title.

''(b) DISCRETIONARY APPLICATION.—At the request of a participating Indian tribe, any other provision of title I, to the extent such provision is not in conflict with this title, shall be made a part of a funding agreement or compact entered into under this title. The Secretary is obligated to include such provision at the option of the participating Indian tribe or tribes. If such provision is incorporated it shall have the same force and effect as if it were set out in full in this title. In the event an Indian tribe requests such incorporation at the negotiation stage of a compact or funding agreement, such incorporation shall be deemed effective immediately and shall control the negotiation and resulting compact and funding agreement.

"SEC. 517. REGULATIONS.

''(a) IN GENERAL.—

''(1) PROMULGATION.—Not later than 90 days after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

''(2) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this title shall be published in the Federal Register by the Secretary no later than 1 year after the date of enactment of the Tribal Self-Governance Amendments of 1999.

''(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under paragraph (1) shall expire 21 months after the date of enactment of the Tribal Self-Governance Amendments of 1999.

''(b) COMMITTEE.—

''(1) IN GENERAL.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this Act.

''(2) REQUIREMENTS.—The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

''(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

''(d) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

''(e) EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCES, AND RULES.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Indian Health Service, except for the eligibility provisions of section 105(g) and regulations promulgated under section 517.

"SEC. 518. APPEALS.

''In any appeal (including civil actions) involving decisions made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence—

''(1) the validity of the grounds for the decision made; and

''(2) that the decision is fully consistent with provisions and policies of this title.

"SEC. 519. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

''(b) ASSUMPTION OF NEW OR EXPANDED PROGRAMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, in fiscal year 2000 the Secretary may enter into contracts, compacts, or annual funding agreements with an Indian tribe or tribal organization to operate a new or expanded program, service, function, or activity of the Indian Health Service pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) only if—

''(A) and to the extent that, sufficient contract support costs are appropriated and are specifically earmarked for the assumption of new or expanded programs, functions, services, or activities; and

''(B) the Indian Health Service determines that the percentage of contract support costs provided to existing contractors will not be reduced as a result of the assumption of any new or expanded programs, functions, services, or activities under this title.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the allocation of funds other than contract support cost funds.''.

SEC. 5. TRIBAL SELF-GOVERNANCE DEPARTMENT.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE VI—TRIBAL SELF-GOVERNANCE—DEPARTMENT OF HEALTH AND HUMAN SERVICES

"SEC. 601. DEFINITIONS.

''(a) IN GENERAL.—In this title, the Secretary may apply the definitions contained in title V.

''(b) OTHER DEFINITIONS.—In this title:

''(1) AGENCY.—The term the term 'agency' means any agency or other organizational unit of the Department of Health and Human Services, other than the Indian Health Service.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"SEC. 602. DEMONSTRATION PROJECT FEASIBILITY.

''(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of a tribal self-governance demonstration project for appropriate programs, services, functions, and activities (or portions thereof) of the agency.

''(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider—

''(1) the probable effects on specific programs and program beneficiaries of such a demonstration project;

''(2) statutory, regulatory, or other impediments to implementation of such a demonstration project;

''(3) strategies for implementing such a demonstration project;

''(4) probable costs or savings associated with such a demonstration project;

''(5) methods to assure quality and accountability in such a demonstration project; and

''(6) such other issues that may be determined by the Secretary or developed through consultation pursuant to section 603.

''(c) REPORT.—Not later than 18 months after the date of enactment of this title, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives. The report shall contain—

''(1) the results of the study under this section;

''(2) a list of programs, services, functions, and activities (or portions thereof) within each agency with respect to which it would be feasible to include in a tribal self-governance demonstration project;

''(3) a list of programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) that could be included in a tribal self-governance demonstration project without amending statutes, or waiving regulations that the Secretary may not waive;

''(4) a list of legislative actions required in order to include those programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) but not included in the list provided pursuant to paragraph (3) in a tribal self-governance demonstration project; and

''(5) any separate views of tribes and other entities consulted pursuant to section 603 related to the information provided pursuant to paragraphs (1) through (4).

"SEC. 603. CONSULTATION.

''(a) STUDY PROTOCOL.—

''(1) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with Indian tribes to determine a protocol for consultation under subsection (b) prior to consultation under such subsection with the other entities described in such subsection.

''(2) REQUIREMENTS FOR PROTOCOL.—The protocol shall require, at a minimum, that—

''(A) the government-to-government relationship with Indian tribes forms the basis for the consultation process;

''(B) the Indian tribes and the Secretary jointly conduct the consultations required by this section; and

''(C) the consultation process allows for separate and direct recommendations from the Indian tribes and other entities described in subsection (b).

''(b) CONDUCTING STUDY.—In conducting the study under this title, the Secretary shall consult with Indian tribes, States, counties, municipalities, program beneficiaries, and interested public interest groups, and may consult with other entities as appropriate.

"SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for fiscal years 2000 and 2001 such sums as may be necessary to carry out this title. Such sums shall remain available until expended.''.

SEC. 6. AMENDMENTS CLARIFYING CIVIL PROCEEDINGS.

(a) BURDEN OF PROOF IN DISTRICT COURT ACTIONS.—Section 102(e)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(e)(1)) is amended by inserting after ''subsection (b)(3)'' the following: ''or any civil action conducted pursuant to section 110(a)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any proceedings commenced after October 25, 1994.

SEC. 7. SPEEDY ACQUISITION OF GOODS, SERVICES, OR SUPPLIES.

Section 105(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(k)) is amended—

(1) by striking ''deemed an executive agency'' and inserting ''deemed an executive agency and part of the Indian Health Service''; and

(2) by adding at the end the following: ''At the request of an Indian tribe, the Secretary shall enter into an agreement for the acquisition, on behalf of the Indian tribe, of any goods, services, or supplies available to the Secretary from the General Services Administration or other Federal agencies that are not directly available to the Indian tribe under this section or any other Federal law, including acquisitions from prime vendors. All such acquisitions shall be undertaken through the most efficient and speedy means practicable, including electronic ordering arrangements.

SEC. 8. PATIENT RECORDS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j) is amended by adding at the end the following:

''(o) PATIENT RECORDS.—

''(1) IN GENERAL.—At the option of an Indian tribe or tribal organization, patient records may be deemed to be Federal records under those provisions of title 44, United States Code, that are commonly referred to as the 'Federal Records Act of 1950' for the limited purposes of making such records eligible for storage by Federal Records Centers to the same extent and in the same manner as other Department of Health and Human Services patient records.

''(2) TREATMENT OF RECORDS.—Patient records that are deemed to be Federal records under those provisions of title 44, United States Code, that are commonly referred to as the 'Federal Records Act of 1950' pursuant to this subsection shall not be considered Federal records for the purposes of chapter 5 of title 5, United States Code.''.

SEC. 9. RECOVERY ACTIONS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j) is amended by adding at the end the following:

''(p) RECOVERY ACTIONS.—

''(1) CREDITING OF FACILITY ACCOUNTS.—All funds recovered under the first section of Public Law 87-693 (42 U.S.C. 2651) that are related to health care provided by a tribally-administered facility or program of the Indian Health Service, whether provided before or after the facility's or program's transfer to tribal administration, shall be credited to the account of the facility or program providing the service and shall be available without fiscal year limitation.

''(2) TREATMENT OF TRIBES AND ORGANIZATIONS.—For purposes of the first section of Public Law 87-693 (42 U.S.C. 2651), an Indian tribe or tribal organization carrying out a contract, compact, grant, or cooperative agreement pursuant to this Act shall be deemed to be the United States and shall have the same right to recover as the United States for the reasonable value of past or future care and treatment provided under such contract, compact, grant, or cooperative agreement. Nothing in this paragraph shall be construed to affect a tribe's or tribal organization's right to recover under any other applicable Federal, State, or tribal law.''.

SEC. 10. ANNUAL REPORTS.

Section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1) is amended—

(1) by redesignating subsections (c) through (n) as subsections (d) through (o), respectively; and

(2) by inserting after subsection (b), the following:

''(c) ANNUAL REPORTS.—Not later than May 15 of each year, the Secretary shall prepare and submit to Congress an annual report on the implementation of this Act. Such report shall include—

''(1) an accounting of the total amounts of funds provided for each program and the budget activity for direct program costs and contract support costs of tribal organizations under self-determination;

''(2) an accounting of any deficiency in funds needed to provide required contract support costs to all contractors for the fiscal year for which the report is being submitted;

''(3) the indirect cost rate and type of rate for each tribal organization that has been negotiated with the appropriate Secretary;

''(4) the direct cost base and type of base from which the indirect cost rate is determined for each tribal organization;

''(5) the indirect cost pool amounts and the types of costs included in the indirect cost pool; and

''(6) an accounting of any deficiency in funds needed to maintain the preexisting level of services to any Indian tribes affected by contracting activities under this Act, and a statement of the amount of funds needed for transitional purposes to enable contractors to convert from a Federal fiscal year accounting cycle, as authorized by section 105(d).''.

SEC. 11. REPEAL.

(a) IN GENERAL.—Title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is repealed.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

SEC. 12. SAVINGS PROVISION.

Funds appropriated for title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) shall be available for use under title V of such Act.

AMENDMENT NO. 2922

Mr. KYL. Mr. President, Senator CAMPBELL has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for Mr. CAMPBELL, proposes an amendment numbered 2922.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. KYL. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2922) was agreed to.

Mr. KYL. Mr. President, I ask unanimous consent that the committee amendment, as amended, be agreed to, and the bill be read for the third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

The bill (S. 979), as amended, was read the third time.

Mr. CAMPBELL. Mr. President, I am pleased that today the Senate will pass S. 979, a bill to make permanent the Self-Governance in Health Care Demonstration Project that was begun in 1994.

After numerous hearings by the Committee on Indian Affairs and months of

negotiations aimed at getting consensus on this legislation, the Senate has voted to continue and expand the successful Self-Governance in Health Care pilot that has proven so helpful in improving the health care of Native people and in assisting tribes in the development of their governments and economies.

I thank and acknowledge Senator GORTON and his staff for their efforts in helping to iron out the differences that stood in the path of agreement on this bill.

I am hopeful this legislation will make its way to the President in short order for his favorable consideration.

Mr. MCCAIN. Mr. President, I am pleased the Senate will pass H.R. 1167, the Tribal Self-Governance Amendments of 1999. This legislation is the culmination of years of work by the Indian Affairs Committee, Indian tribes and the Indian Health Service, IHS, to make permanent the successful tribal self-governance demonstration program.

Since its inception, tribes have enthusiastically embraced the self-governance program because it allows them to assume greater control over health care programs and services which are now provided by the IHS. Tribal self-governance has succeeded because it respects the special trust relationship between Indian tribes and the United States. It puts into practice the principles of government-to-government relations and tribal sovereignty. It allows increased tribal flexibility and transfers control from federal bureaucrats to tribal governments who are closer to the people they serve.

I thank my colleague Senator CAMPBELL for his leadership in fostering an agreement on final legislative language for this bill and for adding legislative provisions which will designate an Assistant Secretary for Indian Health within the Department of Health and Human Services. The proposal to designate a new Assistant Secretary position primarily for Indian health policy is one that enjoys unanimous support by the tribal community, bipartisan support by Congress, and is also endorsed by the Administration.

The tribal self-governance bill is critically important to Indian country because it will finally put into place permanent authority for Indian tribes to directly manage their own health care programs. With the passage of the IHS elevation bill as part of this legislation, we can make progress for improved health conditions for Indian people nationwide.

Many of my colleagues may not realize that the year 2000 marks the 30th anniversary of the inception of the Indian self-determination policy, ending the era of failed Federal policies of termination and paternalism. A few days ago, I joined my colleagues, Senators CAMPBELL and JOHNSON, in sponsoring S. Res. 277 commemorating this important policy. In continuation of building upon the fundamental tenets of tribal self-determination, I encourage my colleagues on both sides of the aisle to move quickly to send this bill to the President.

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 419, H.R. 1167, the House companion measure. I further ask unanimous consent that all after the enacting clause be stricken and the text of S. 979, as amended, be inserted in lieu thereof, and the bill, as amended, be read a third time and passed.

I also ask unanimous consent that the Senate then insist on its amendment and request a conference with the House.

Finally, I ask unanimous consent that S. 979 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1167), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, APRIL 5, 2000

Mr. KYL. 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, April 5. 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 consideration of S. Con. Res. 101, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. Mr. President, for the information of all Senators, the Senate will begin debate on the budget resolution at 9:30 a.m. tomorrow. The time until 11 a.m. will be equally divided for debate on the pending Robb and Hutchison amendments. Votes on those amendments will be back to back at 11 a.m.

Further, amendments will be offered throughout the day and votes are possible into the evening. There are approximately 20 hours of debate remaining on the resolution, and it is hoped action on this resolution can be completed by Thursday night or Friday morning of this week.

ORDER FOR ADJOURNMENT

Mr. KYL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment, under the previous order, following the remarks of Senator KERREY of Nebraska, Senator LEVIN, and Senator HARKIN, to be subtracted from the overall time relating to the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from the great State of Nebraska.

NUCLEAR WEAPONS

Mr. KERREY. Mr. President, the Department of Defense announced about 2 weeks ago that they are going to delay a critical feasibility test of an interceptor which would protect the United States from a ballistic missile attack. This delay, it should be noted, will give Congress and the President some additional breathing room before we begin the debate to deploy a missile defense system. It may even mean the final decision on deployment may not occur until after the November Presidential election, as many have urged already.

However, I believe, we should use this opportunity to consider anew the threats which the United States faces as a consequence of nuclear weapons. The approximately $25 billion missile defense system being contemplated is in response to a threat that does not exist today but very assuredly could if nations such as North Korea, Iran, or Iraq continue to develop their weapons of mass destruction programs. Under estimates provided to us by the CIA's National Intelligence Estimates and a panel of experts headed by Mr. Donald Rumsfeld we have been alerted to, the possibility exists that these countries could have weapons of mass destruction and the means to deliver them to the United States within 5 years. It is this potential threat, along with a possible accidental or unauthorized launch by Russia, that justifies the attempt to build an effective missile defense system.

Three facts should be understood before proceeding further. First, this system is not the original Star Wars proposal of President Reagan. In other words, it is not a system which would protect us against a massive attack by Russia, a threat we now believe no longer exists. Second, the annual costs to build and maintain this new system would be in addition to the estimated $15 to $25 billion annual costs of the nuclear arsenal we maintain against the old threat of the Soviet Union. Third, the deterrent argument we used during the cold war was based on the rational presumption that the Soviet Union would never attack us if they knew that an attack would result in the destruction of their nation. However, we cannot presume rational behavior from North Korea, Iraq, Iran, or potential terrorists will be the order of the day. We presume they would be willing to suffer the consequences of retaliation to do terrible damage to the United States of America.

A scenario which imagines such an attack quickly justifies the investment in missile defenses. Even one relatively small nuclear weapon which North Korea, Iran, Iraq, or a non-nation-state terrorist could launch at the United States would inflict more damage than

the largest natural disaster our country has ever experienced. An unauthorized or accidental launch by Russia would be a catastrophe that could kill millions and inflict grave economic and psychological damage to our country.

Such a scenario is part of the new world of threats where even, or perhaps especially, the United States, the nation with the largest and most deadly nuclear arsenal, is at risk and can be held hostage to the threats made by otherwise insignificant world leaders. This truth increases the appetite of a few to command even a relatively crude and small nuclear weapon as well as a delivery system to hit us. A strong offensive nuclear capability is not a deterrent because of the irrational behavior of someone who hates and wants to hurt us. Nor was our strong offense a deterrent to India and Pakistan first testing nuclear weapons and then threatening each other with possible first use.

We have come a long ways since the beginning of the nuclear age a half century ago. I recently went to the web page of Gen. Paul Tibbets and read his account of the 6-hour flight on August 6, 1945, that dropped the first atomic bomb on Hiroshima, Japan. The 86-year-old Tibbets was the pilot of the B–29 called *Enola Gay* that dropped the atomic bomb, a uranium core device with a 15 kiloton yield nicknamed Little Boy. Three days later a second atomic bomb nicknamed Fat Boy, on account of its plutonium core, was dropped from another B–29 on Nagasaki. The two violent detonations contributed to Japan's unconditional surrender on August 14, 1945.

Before I go further, I must declare that I am not an impartial observer of these bombings. My father became part of an occupation force rather than the invasion force, which had been planned for September of 1945. His brother was captured by the Japanese on the Bataan peninsula of Luzon, Philippines, and was killed just days before American forces began the second battle of the Philippines, one of the bloodiest battles of the war. So I am on the side of those who believe President Truman made the right decision. I simply cannot and will not revise history to reach any other conclusion.

Still, the civilian deaths caused by those two bombs shock and sicken all who have examined the aftermath of just two atomic detonations. So shocking are the stories that during the 50 years that followed, no American Commander in Chief has ever used these weapons again. Even when a good argument could be made for their effectiveness in saving military and civilian lives by shortening and winning wars, the ''bomb'' was not used.

Indeed, as the recent NATO operation against Yugoslavia demonstrated, today's military planners and their political bosses measure the benefits of using conventional weapons against the potential moral and political losses associated with even unintended civilian casualties. Thus has the experience of Hiroshima and Nagasaki become a real and powerful deterrent against the use by the United States of nuclear weapons.

This makes it all the more surprising that both the United States and Russia continue to maintain, on hair-trigger alert, huge stockpiles of vastly more powerful and more accurate strategic nuclear weapons than those used 56 years ago this summer. To understand why, we must trace the arguments used since 1945 for the development of our nuclear arsenal. For the first 20 years or so of the cold war, nuclear weapons were seen as an inexpensive alternative to unacceptably high levels of conventional forces that would have been needed to deter a belligerent Soviet Union with an open ambition for more territory in Europe. As the Soviet Union built up its own nuclear capability a new argument—the need to deter a bolt out of the blue attack—eclipsed the old.

But, today, neither the Russian conventional or nuclear forces are the threat they once were. Today, we are not fearful of an intentional attack on Europe with conventional forces or a nuclear attack on the United States. Today's threat is that a nuclear weapon could be launched accidentally or without the authorization of the democratically elected Russian President. Today's threat also includes the possibility that Russian technology or materials could be purchased by nations like Iran that have indicated their desire to become a nuclear nation. Finally, today's threat assessment also includes the possibility that Russian elections could once again produce a more dangerous leader whose intentions were less trustworthy.

Even with all of these factors considered, I believe our current inventory of strategic nuclear weapons is much larger than what is needed to keep America safe today and in the foreseeable future. This larger inventory forces the Russians to maintain an inventory larger than they can control—which in turn increases the risk of accidental or unauthorized launches and decreases the effectiveness of missile defense. And this larger inventory diverts much needed resources from the modernization of our conventional forces, which we are much more likely to be using in the future.

Consider the arsenal currently available to our President. Our Commander in Chief could order the launch of 500 Minutemen III and 50 Peacekeeper missiles in the land-based arsenal. The bulk of the Minutemen III missiles are armed with three 170 to 335 kilotons warheads. The 50 Peacekeeper missiles are each armed with 10, individually targetable warheads with a yield of 300 kilotons each. These land-based missiles would produce 2,000 nuclear detonations each of which each would be 10 to 20 times larger than the Hiroshima bomb.

At sea, our President commands 18 Ohio-class submarines. These are the ultimate in survivability, able to stay undetected at sea for long periods of time. As such, our submarine force must give pause to any potential aggressor. Eight of these boats carry 24 C–4 missiles. Each of these missiles are loaded with 8 warheads with 100 kilotons of yield. The other 10 subs carry 24 of the updated D–5 missiles. These missiles also are equipped with 8 warheads with varying degrees of yield from 100 to 475 kilotons. Again, if the President launched all the missiles in the submarine arsenal he would produce 3,500 detonations.

In the air, the President commands a strategic bomber force which includes both the B–2 and B–52 bombers. These bombers, in total, have the capacity to carry about 1,700 warheads via nuclear bombs and air launched cruise missiles.

Our land-based force can deliver approximately 2,000 warheads on over 500 delivery vehicles with a total yield of about 550 megatons. Our sea-based force can deliver over 3,000 warheads on over 400 delivery vehicles for a total yield of approximately 490 megatons. Our air-based force can deliver 1,700 warheads on approximately 90 delivery vehicles with a yield of 820 megatons. In total, this is about 7,000 warheads with a total yield of over 1,800 megatons.

Russia has a similarly deadly force, but with an increasing inability to modernize or maintain these weapons. Because of this, I remain hopeful that President Putin's election will improve the chances of the Russian Duma ratifying START II sometime this spring. But even under START II, the United States and Russia will each maintain in excess of 3,000 warheads at the end of 2007. While both sides hope to quickly follow ratification of START II with a START III agreement, U.S. negotiators have insisted on maintaining approximately 2,500 warheads per side. This comes despite strong indications that within a matter of years Russia will not be able to maintain a force of more than a few hundred weapons and an offer from Russian negotiators that START III focus on warhead levels of approximately 1,500.

I think it is fair for the American people to ask why. Why, when the Russians have indicated a willingness to go lower, are we insisting on keeping so many strategic nuclear warheads? I think the answer can be found in the way in which we target our nuclear weapons. The United States nuclear blueprint of targets and targeting assignments are contained in a highly classified plan known as the Single Integrated Operational Plan, or SIOP. To understand our nuclear policy, one must understand how the SIOP drives nuclear force levels. Because the SIOP is highly classified, I cannot describe it in public.

But I can say that targeting strategies have changed a lot since Hiroshima. The variables which dictate

changes have been arms control agreements, perception of today's threat, and estimation of tomorrow's. Understanding the history of U.S. nuclear policy may help explain the rationale for the targeting plan.

In the beginning, we had a letter from Albert Einstein to then-President Franklin Roosevelt in 1939. In this letter, Einstein alerted Roosevelt of the potential of nuclear chain reactions and warned him about Nazi Germany's efforts to monopolize the necessary uranium. Einstein also urged the President to foster ties between the Government and scientists working in the area of atomic research. As a result of Einstein's letter, Roosevelt authorized a study of the potential of atomic power. But it was not until the U.S. entered World War II that Roosevelt formalized the Government's participation in this new area of science. The result was the creation of the Manhattan Project. The Manhattan Project was a monumental undertaking that employed over 200,000 men and women at a cost of $20 billion in today's inflation-adjusted dollars. Ultimately, it was successful in creating the world's first atomic bombs, whose devastating impact helped end the Second World War in the Pacific.

The second phase of our effort was the strategic bombing phase. Having created this powerful new weapon, and as the cold war began, U.S. policymakers faced the task of deciding how to incorporate these weapons into the U.S. arsenal and under what circumstances they should be used. Our initial policy was based on the concept of strategic bombing, which mirrored our strategy during the Second World War. Early plans called for the targeting of urban industrial centers—not unlike Hiroshima and Nagasaki—and specifically targeted 34 bombs on 24 Soviet cities. Given the fact that Japan had surrendered following the use of just two bombs, this was thought sufficient to devastate the Soviet Union under any circumstance.

The third phase of our planning was called massive retaliation because in 1949 the U.S. approach to nuclear weapons had to be reconsidered following reports that the Soviet Union had acquired a nuclear weapons capability of their own. From this point on, U.S. policymakers had to consider Soviet nuclear sites in targeting and had to be able to deal with the fact that for the fist time Americans lived under the threat of a nuclear attack.

Into the 1950s U.S. nuclear policy continued to develop. By the Eisenhower administration, the U.S. nuclear arsenal had greatly increased in numbers, but we had adopted a policy of massive retaliation. This policy stated that an attack by the Soviet Union would result in an instant, all-out U.S. nuclear response. The greater reliance on nuclear weapons allowed the United States to decrease its commitment to conventional weapons and keep defense spending in check.

The next phase is what was called flexible response. It occurred because the number of nuclear weapons needed to maintain this policy increased significantly as U.S. intelligence improved its ability to identify Soviet targets. As a result of the expansion of possible targets, there was an increased demand for nuclear weapons. Toward the end of the Eisenhower administration, policymakers began to recognize the need to create greater flexibility in the U.S. nuclear strategy.

During the last months of the Eisenhower administration and into the Kennedy administration, the focus shifted to creating a flexible response strategy that would allow the President to respond to Soviet provocation through a range of options—not simply an all-out attack. The result of this effort was the creation of the SIOP. The original SIOP, SIOP–62, embodied the policy of massive retaliation. It contained one plan in which the United States would launch all of its nuclear weapons in a single attack. SIOP–62 targeted every city in the Soviet Union and China with an estimated 360 to 425 million civilian casualties.

When President Kennedy entered office, he immediately called for a change in the SIOP to reflect the policy of flexible response. As a result, SIOP–63 included limited nuclear responses and negotiating pauses as a part of the overall nuclear strategy. SIOP–5 and SIOP–6 continued the trend toward increasing flexibility by creating a wider range of nuclear targeting and response options. While the various SIOPs were successful in creating greater options for the President, they also helped to create a phenomenon in which the number of nuclear weapons were increased dramatically.

As the SIOP sought to create an inclusive list of Soviet targets, weapons were manufactured and assigned to those targets. As intelligence gathering capabilities grew, the number of targets were also increased. Furthermore, as the Soviets created more weapons to target our weapons, the U.S. would increase our arsenal to match. The result was a classic arms race. According to a recent book called Atomic Audit, edited by Stephen Schwartz, this process was further escalated when in 1974 Secretary of Defense James Schlesinger ordered that U.S. nuclear forces ''be able to destroy 70% of the Soviet industry that would be needed to achieve economic recovery in the event of a large-scale strategic nuclear exchange.'' This order was mistakenly thought to mean that 70% of each individual factory or industrial unit would have to be destroyed rather than 70% of the overall production capability. In order to achieve assurance of 70% destruction, each target was often assigned multiple warheads, thus increasing the nuclear arms spiral.

Near the height of this nuclear buildup, a remarkable thing occurred: communism collapsed in Eastern Europe and the Soviet Union. Many people assume that the end of the Cold War has caused the United States to fundamentally rethink the SIOP. However, most of the changes appear to have occurred at the margin and have not involved fundamentally rethinking in the face of democratic changes in Russia. Open sources estimate the number of Russian targets in the SIOP have been reduced from a Cold War high of approximately 11,000 to around 2,000. The current SIOP—SIOP–99 which went into effect in October 1998—also includes approximately 500 non-Russian targets.

While the reduction in number of targets has allowed us to make reductions in our nuclear arsenal, too many of the underpinnings of our nuclear policy are still based on Cold War thinking. Our planners still assume that deterrence requires the capability of hitting as many as 2,000 targets in a democratic Russia.

Our nuclear policy should recognize that the Cold War is over and should recognize that Russia has completed its third democratic Presidential election. It should recognize that we are less safe—if by keeping more weapons than we need to defend ourselves—we force Russia to keep more weapons than they can control. Furthermore, we are less safe if by keeping more than we need, we encourage new nuclear nations like India and Pakistan. And we are less safe if all of this activity both justifies and makes possible the acquisition of nuclear weapons by rogue nations or terrorist non-nation-state groups.

Most importantly our strategy should acknowledge that we have a moral deterrent that makes it unlikely that a U.S. President would order the first use of nuclear weapons. Since the dollars needed to maintain our nuclear arsenal could be used to support military programs our President is likely to use, this factor has much more significance than we have been giving it.

It is time for us to re-examine both our nuclear deterrent needs and the way in which we target our weapons to better reflect the realities of a post-Cold War world. We must realize the end of the Cold War and the rapid pace of globalization is changing both the nature and the source of today's threats. The world is still dangerous; nuclear threats still exist and will require us to maintain an overwhelming deterrent capability. But that capability must recognize what the world looks like today and what it will look like in 2005 and in 2010, not what it looked like in 1950 or in 1970 or even 1989.

Just as Rip Van Winkle awoke to find his world had completely changed while he was asleep, we too must realize that in less than a decade our world has been completely transformed. The time to readjust our world view, to transform our nuclear policies, and to work cooperatively with a democratic Russia is now.

I believe the numbers of highly accurate, deadly and survivable nuclear weapons needed to protect the United States today and in the future is in the 1,000 to 1,500 range, considerably less than either the 6,000 permitted under START I which has been ratified by the United States and Russia, or the 3,000 permitted after 2007 under START II, which the Russian Duma may yet ratify this year. I believe both common sense and careful evaluation of targeting requirements would support going to this lower number much more rapidly than we will under the START process. I believe such a reduction would make it far more likely we would succeed in reducing the growing threat of nuclear proliferation and the growing desire of non-nuclear nations to go nuclear. Finally, I believe such a reduction would increase the chances of getting Russia to cooperate with the deployment of a missile defense system that would benefit both them and us.

Mr. President, regardless of whether or not my colleagues agree with this assessment I hope they will agree that the status quo modified with improved defenses is a strategy which will increase the risk that the world will experience a third hostile nuclear detonation, and that this time the detonation could occur in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET RESOLUTION

Mr. HARKIN. Mr. President, our economy is in great shape: 108 months of economic growth; unemployment has been near 4 percent for some time; economic growth is doing very well; productivity is breaking all recent records; incomes of average Americans are finally growing again, and inflation, outside of gasoline, is low. I think we ought to take advantage of our situation by paying off the publicly held debt while times are good.

The President proposes that we should plan on doing that by 2013, just the point when large numbers of the post-World War II baby boomers are reaching 65. That way we shore up the capacity to be able to repay the bonds that have been going to the Social Security trust fund.

I also believe we should use the surplus to put the Medicare trust fund on a sound footing for the long term. We should also be providing for a prescription drug benefit. It is wrong that many modest-income seniors do not have the ability to buy the drugs they need for their health care.

I would also like to see the expenditures made to cover the costs of our veterans' health, increased medical research, increased funds for education, and for day care. These are some key priorities.

Clearly, however, the No. 1 priority presented by the majority in the budget resolution before us is to cut taxes for the wealthy. When you add the interest costs from failing to reduce the debt, the $150 billion cut in taxes that is in the budget resolution before us uses up 98 percent of the non-Social Security surplus. That assumes cutting some nondefense discretionary spending. If you take the $150 billion tax cut that is in the budget, and if you don't cut spending on the discretionary side, that tax cut actually eats up over 100 percent of the non-Social Security surplus. So in order to get the $150 billion cut in taxes, the Republican majority on the Budget Committee actually had to cut spending in a number of areas. Even with that cut, that $150 billion tax cut uses up 98 percent of that surplus. There is virtually nothing left over for improving the health of the Social Security trust fund or the Medicare trust fund. There is very little chance to provide for a Medicare prescription drug benefit. It is going to be very difficult, if not impossible, to provide increases for education, medical research, veterans' health, money to fight crime, and other priorities without eroding the Social Security surplus.

Personally, I would like to see us give some tax relief to younger families with modest incomes trying to raise their children, to families with considerable child care expenses, to families who have expenses caring for aging parents. I would like to reduce the penalty of higher taxes when two people marry and both work.

The Democratic budget we have offered provides for many of those targeted tax cuts while still meeting the other needs such as for health care and fighting crime and medical research.

I would like to pay for tax cuts by eliminating some of the outrageous loopholes in the Tax Code that allow huge multinational corporations to escape paying their fair share of taxes. I would like to see some loopholes closed that allow some of the wealthy to escape paying their fair share. That, unfortunately, does not appear to be the will of the Republican majority on the Budget Committee. It certainly was not their will when they passed out the budget resolution on a straight party-line vote. So I will be offering an amendment that says if we are going to enact—if we are, and if it is the will of the majority party to enact the $150 billion in tax cuts mandated by the budget; and that was the same sum agreed to in the House by, I might add, a narrow 4 vote margin—I want to have the Senate go on record that whatever tax cuts are passed follow a very simple rule: that those at the highest level of income—the top 1 percent—not receive more than 1 percent of the tax cuts. I will be offering an amendment that essentially says it is the sense of the Senate that if we do have a tax cut, no more than 1 percent of the tax cut benefits can go to the top 1 percent income earners.

Doesn't that sound fair? If you are in the top 1 percent, maybe you ought to get 1 percent of the cuts. Who is at that level of income? Well, those who are making what is now estimated to be more than $317,000 per year. This group, on average, makes $915,000 a year. So the average income of the top 1 percent income earners in America is $915,000 a year. I believe it is clear that people at this income level do not need a large tax cut, while many working families are in far greater need.

So I hope the Senate will go on record saying that we have a limit on any tax cut, that those at the very top are receiving no more than 1 percent of the benefits, and let's give the middle class their fair share of the tax break.

I have a chart that I think provides some illustration. First, we have the George Bush tax cut proposal. Let's look at how the benefits of that proposal work. It is a very large cut. But under this Bush plan, as estimated by Citizens For Tax Justice, the bottom 20 percent of the taxpayers get 0.6 percent of the tax cuts, less than 1 percent. The next 20 percent get about 3 percent of the tax cuts. The next 20 percent get about 7.4 percent of the tax cuts. The fourth one—those who make, on average, about $50,000 a year—gets 15.4 percent of the tax benefits. But here is where we really have to look, out here on this end. Those in the top 1 percent, making over $319,000 a year—and they average about $915,000 a year—these folks in ''need'' get about 37 percent of the benefits. They get a higher percentage than anybody else and, in dollar amounts, they get about $50,000 a year in tax breaks.

So, again, this is what we are facing. Why do people in the upper 1 percent need this kind of a tax break? I don't hear it from them. I must admit, I know some people in that bracket. I have some good friends who make that kind of money. They are good Americans and they invest a lot of money. A lot of them work very hard, and they employ people. I have yet to have one of them tell me they need this tax cut. In fact, I have had a number of them say: What are you doing? Pay off the public debt; don't give us a tax break. Pay off the public debt. That would do more for ensuring the economic health of this country than giving the top 1 percent that kind of a tax break.

Well, that is why I want to offer this amendment. It is very simple. It provides that the top 1 percent of taxpayers should not get any more than 1 percent of the tax cuts—net. After all, the bottom 20 percent gets less than 1 percent of the tax cuts. Why should the top 1 percent get 37 percent?

So my amendment says if you are in that top 1 percent, you should not get more than 1 percent of the tax breaks. So if you are for tax fairness, if you want to give the middle-class Americans their fair share of tax relief, then I ask for your support of this commonsense amendment.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m., April 5, 2000.

Thereupon, the Senate, at 6:56 p.m., adjourned until Wednesday, April 5, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 4, 2000:

UNITED STATES INSTITUTE OF PEACE

BARBARA W. SNELLING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001, VICE DENNIS L. BARK, TERM EXPIRED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ROBERT B. ROGERS, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2001, VICE MARLEE MATLIN, TERM EXPIRED.

CAROL W. KINSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF ONE YEAR. (NEW POSITION)

NATIONAL SCIENCE FOUNDATION

JANE LUBCHENCO, OF OREGON, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2006. (REAPPOINTMENT)

WARREN M. WASHINGTON, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HARRY D. RADUEGE, JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS A. BENES, 0000
COL. CHRISTIAN B. COWDREY, 0000
COL. MICHAEL E. ENNIS, 0000
COL. WALTER E. GASKIN, SR., 0000
COL. MICHAEL R. LEHNERT, 0000
COL. JOSEPH J. MC MENAMIN, 0000
COL. DUANE D. THIESSEN, 0000
COL. GEORGE J. TRAUTMAN III, 0000
COL. WILLIE J. WILLIAMS, 0000
COL. RICHARD C. ZILMER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. EDMUND P. GIAMBASTIANI, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

To be rear admiral

REAR ADM. (LH) BARRY C. BLACK, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID S. WOOD, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) IN THE MEDICAL SERVICE CORPS (MS) AND MEDICAL CORPS (MC) UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be colonel

RICHARD A. KELLER, 0000 MC

To be lieutenant colonel

ROBERT E. GRAY, 0000 MS
RICHARD A. GULLICKSON, 0000 MS

To be major

WENDY L.* HARTER, 0000 MS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

J. E. CHRISTIANSEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CLIFTON J. MCCULLOUGH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LANDON K. THORNE III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID R. CHEVALLIER, 0000
KENNETH S. PLATO, 0000
MICHAEL A. SIEBE, 0000
JOHN K. WINZELER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT F. MILEWSKI, 0000

To be commander

GERALD L. GRAY, 0000

To be lieutenant commander

LINDA M. GARDNER, 0000

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE NAVY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS A. ALLINGHAM, 0000
KEITH J. ALLRED, 0000
WARREN ANDERSON, 0000
JOHN R. ARAGON, 0000
DENNIS J. ARGALL, 0000
ERICK L. ARMSTRONG, 0000
MICHAEL A. ARROW, 0000
MATHEW S. AUSMUS, 0000
ROCCO M. BABINEC, 0000
STEVEN L. BAILEY, 0000
WENDY A. BAILEY, 0000
DAVID M. BALK, 0000
DUNCAN S. BARLOW, 0000
PATRICIA J. BATTIN, 0000
LANCE S. BAUMGARTEN, 0000
RICHARD A. BEANE, 0000
DAVID J. BEARDSLEY, 0000
KATHRYN M. BEASLEY, 0000
CHARLES W. BELL, 0000
BRAD L. BENNETT, 0000
GREGORY S. BENSON, 0000
JENNIFER S. BERG, 0000
KEVIN G. BERRY, 0000
THOMAS F. BERSSON, 0000
THOMAS S. BETHMANN, 0000
ROBERT J. BIRDWELL, 0000
MAX A. BLACK, 0000
JEFFREY D. BRADLEY, 0000
OSCAR S. BRANN, 0000
CHARLENE D. BRASSINGTON, 0000
TERRILL L. BROWN, 0000
WILLIAM A. BROWN, 0000
WILLIAM T. BUSCH, 0000
LYDIA CANAVAN, 0000
FRANK H. CARBER, JR., 0000
MICHAEL P. CARLSON, 0000
DANIEL J. CARUCCI, 0000
JONATHAN E. CAYLE, 0000
KIM C. CHOJNOWSKI, 0000
MARGARET A. CONNORS, 0000
ANDREW L. CORWIN, 0000
CATHERINE L. COSTIN, 0000
JAMES W. COWELL, JR., 0000
CARLETON R. CRAMER, 0000
CURTIS E. CUMMINGS, 0000
TIMOTHY J. CURTIN, 0000
CHRISTINE J. CURTO, 0000
JOHN A. DALESSANDRO, 0000
GARY A. DALLMANN, 0000
JOHN C. DANIEL, 0000
JAMES L. DANNER, 0000
THERESA A. DANSCUKSLOAN, 0000
JOSEPH W. DEFEO, JR., 0000
DAVID M. DELVECCHIO, 0000
CAROL J. DESMARAIS, 0000
CYNTHIA A. DILORENZO, 0000
CHARLES F. DONNEY, 0000
DANIEL G. DONOVAN, 0000
ULYSSES DOWNING, JR., 0000
PAUL S. DROHAN, 0000
JAY DUDLEY, 0000
JAMES L. DUNN, 0000
DOROTHY C. DURY, 0000
KATHLEEN M. DUSSAULT, 0000
KIRK F. ENGEL, 0000
DAVID C. ENGLAND, 0000
MICHAEL R. ESLINGER, 0000
CLINTON F. FAISON III, 0000
DAVID E. FARRAND, 0000
PAUL V. FLONDARINA, 0000
MICHAEL B. FOGARTY, 0000
ROBERT D. FOSS, 0000
HAROLD A. FRAZIER II, 0000
ROBERT W. FRENCK, 0000
KEVIN J. GALLAGHER, 0000
RICHARD O. GAMBLE II, 0000
PATRICIA M. GARRITY, 0000
JEFFREY D. GEORGIA, 0000
DAVID W. GLYNN, 0000
PATRICIA J. GOODIN, 0000
MICHAEL E. GORDON, 0000
BASIL F. GRAY III, 0000
ANTHONY R. GUIDO, 0000
BARTON C. GUMPERT, JR., 0000
RICHARD L. J. HABERBERGER, 0000
WILLIAM J. HALL, 0000
ROGER E. HANKS, 0000
RICHARD M. HANN, 0000
DONNA M. HAUGHINBERRY, 0000
MARK F. HEINRICH, 0000
SUSAN B. HERROLD, 0000
DAVID A. HIGGINS, 0000
GARRY A. HIGGINS, 0000
ALBERT L. HILL, 0000
KAREN J. HOFFMEISTER, 0000
MARGARET A. HOLDER, 0000
MICHAEL R. HOLTEL, 0000
JAMES W. HOUCK, 0000
LISA G. HOYT, 0000
RICHARD J. HREZO, 0000
JOSEPH F. IANNONE, 0000
WALTER W. JACUNSKI, 0000
CRAIG E. JAMES, 0000
IGOR A. JERCINOVICH, 0000
TRACY JOHNSON, 0000
TREVOR R. JONES, 0000
RICHARD M. KEATING, 0000
MICHAEL A. KEEFE, 0000
PATRICK J. KELLY, 0000
GERARD D. KENNEDY, 0000
THOMAS J. KERSCH, 0000
DANIEL P. KING, 0000
JOYCE E. KING, 0000
PHILIP J. KING, 0000
WARREN P. KLAM, 0000
MICHAEL P. KOMPANIK, 0000
JOHN R. LANTELME, 0000
WAYNE B. LAPETODA, 0000
SUSETTE J. LASHER, 0000
DONALD F. LEROW, 0000
WILLIAM P. LESAK, 0000
DAVID M. LLEWELLYN, 0000
DARRELL E. LOVINS, 0000
PAUL W. LUND, 0000
JOHN P. LUNDGREN, 0000
JAMES T. LUZ, 0000
BRUCE W. MACKENZIE, 0000
CYNTHIA T. I. MACRI, 0000
THOMAS J. MAGRINO, 0000
STEVEN G. MATTHEWS, 0000
MICHELLE M. MCATEE, 0000
LAURIER L. MCCRAVY, 0000
TIMOTHY D. MCGUIRK, 0000
WILLIAM C. MCKERALL, 0000
DOUGLAS H. MCNEILL, 0000
JANE E. MEAD, 0000
KEVIN J. MEARS, 0000
RICHARD A. MENDEZ, 0000
PAUL G. MERCHANT, 0000
CHARLES C. MILLER III, 0000
EDWARD L. MILLINER, JR., 0000
BERTRAM E. MOORE, JR., 0000
GREGORY MORANDO, 0000
JOHN I MORRIS, 0000
DAVID M. MORRISS, 0000
STEPHEN E. MORROW, 0000
CHRISTOPHER J. MOSSEY, 0000
EDWIN E. MYHRE, 0000
JAMES P. NABER, 0000
JOSEPH A. NAPOLI, JR., 0000
EDWARD P. NARANJO, 0000
TOMMY B. NICHOLS, 0000
EDWARD J. NIEBERLEIN, 0000
KENNETH R. OCKER, 0000
JESUS A.M. OLCESE, 0000
CHRISTOPHER D. PADDOCK, 0000
ROBERT F. PARKER, 0000
FRANCIS R. PARREIRA, 0000
MICHAEL A. PEEK, 0000
MARK PICKETT, 0000
CHRISTOPHER RAMOS, 0000
ROBERT A. RAMSAY, 0000
DONALD E. RATTZ, 0000
KEVEN C. REED, 0000
WILLIAM A. REED, 0000
DONALD J. REIDY, JR., 0000
DENISE A. REILLY, 0000
JAMES L. ROBERTS, 0000
TIMOTHY J. ROSS, 0000
RICHARD D. ROTH, JR., 0000

ANGEL R. ROURE, 0000
JEFFREY M. SANDLER, 0000
MICHAEL D. SASHIN, 0000
STEVEN SCHALLHORN, 0000
R. D. SCHLESINGER, 0000
GLENN A. SCHNEPF, 0000
GERALD S. SCHOLL, 0000
SHARON R. SEBBIO, 0000
VERNON SELLERS, 0000
TRUEMAN W. SHARP, 0000
DONALD J. SHERMAN, 0000
JAMES J. SICARI, 0000
MARK L. SOBCZAK, 0000
DAVID G. SOUTHERLAND, 0000
SUZANNE K. SPANGLER, 0000
MICHAEL E. STABILE, 0000
DAVID J. STEWART, 0000
JOHN B. STOCKEL, 0000
RICHARD F. SWEENEY, 0000
RICHARD L. SZAL, 0000
RUSSELL C. THACKSTON, 0000
MICHAEL T. THOMPSON, 0000
TIMOTHY E. THOMPSON, 0000
THOMAS N. TICHY, 0000
PATRICK A. TILLSON, 0000
WALTER W. TINLING, 0000
ALLEN D. TODD, 0000
JENNIFER L. TOWN, 0000
PETER K. TRUE, 0000
MICHAEL D. TURCK, 0000
ELEANOR V. VALENTIN, 0000
LARRY F. VANDESSEL, 0000
EDWIN A. VICTORIANO, 0000
FELIX C. VILLANUEVA, 0000
CHRISTOPHER M. VITT, 0000
DAVID A. WAGNER, 0000
CAROL L. WALKER, 0000
MARK A. WALKER, 0000
SHARON K. N. WALLACE, 0000
MARY E. WASHBURN, 0000
DALE V. WATKINS, JR., 0000
CAROLINE M. WEBBER, 0000
DENISE E. WEBER, 0000
CATHERINE A. WILSON, 0000
RICHARD C. YAGESH, 0000
ANN K. YOSHIHASHI, 0000
ALAN J. YUND, 0000
JOHN W. ZINK, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant

COY M. ADAMS, JR., 0000
DUWAYNE E. AIKINS, 0000
AMY R. ALCORN, 0000
CHARLES W. ALLEY, 0000
ROBERT C. ALLMON, 0000
ROBERT J. ALLSHOUSE, 0000
MICHAEL W. ALTISER, 0000
KEVIN L. ANDERSEN, 0000
LEROY F. ANDERSON, 0000
WILLIAM J. ANDREWS, 0000
KENNETH J. ARMAND, 0000
BURT H. ARRIGONI, 0000
JAMES R. ATKINS, 0000
MARLON A. AUSTIN, 0000
MARK I. AXINTO, 0000
ROBERT B. BAILEY, 0000
MICHAEL W. BAKKER, 0000
JOSEPH E. BANKS, 0000
BARRY W. BARROWS, 0000
KEVIN K. BAUER, 0000
RICKY A. BEATTY, 0000
JAMES A. BEAVERS, 0000
TODD D. BECKER, 0000
STEPHANIE C. BELCHER, 0000
WILLIAM R. BELL, 0000
GREGORY L. BENTON, 0000
BRIAN R. BERTHIAUME, 0000
DANIEL P. BETHEL, 0000
DANIEL R. BILLIG, 0000
KEVIN E. BISSEL, 0000
SCOTT S. BOISVERT, 0000
RANDY G. BOLLMAN, 0000
JAMES L. BOOTH, 0000
GERALD E. BOYD, 0000
MICHAEL A. BOYTER, 0000
REGINALD S. BRIGGS, 0000
AUBREY E. BRITTIAN, 0000
BRENT J. BROWN, 0000
CARL R. BROWN, 0000
JIMMY BROWN, 0000
MARK H. BROWN, 0000
MICHAEL D. BRUCE, 0000
RICHARD M. BUCK, 0000
RUSSELL E. BUCKLEY, 0000
CRAIG A. BUIST, 0000
RAYMOND W. BURKHARD, 0000
ALICIA K. BURSAE, 0000
EDWARD L. CALLAHAN, 0000
CYNTHIA F. CAMPBELL, 0000
MICHAEL J. CAMPBELL, 0000
JOHN D. CAPWELL, 0000
THOMAS G. CARTER, 0000
LEONARD W. CAVER, 0000
BRIAN J. CEBRIAN, 0000
MICHAEL E. CHAPMAN, 0000
JAMES CHASTAIN, 0000
DAVID G. CLARK, 0000
ROBERT J. CLARK, 0000
ROSEMARIE N. CLAYTON, 0000
JAMES M. COLEMAN, 0000
KEITH D. COLLINS, 0000
PATRICK CONROY, 0000
BRIAN T. COOL, 0000
TIMOTHY E. COOLEY, 0000
RUSSELL J. CORPRON, 0000
CHARLES S. CORYELL, 0000
FREDRICK L. COX, 0000
REGINA M. COX, 0000
RICHARD L. CRANE, 0000
KENNETH J. CREGAR, JR., 0000
ROBERT L. CROSS, 0000
STEVEN D. CUMBER, 0000
PATRICE D. DAVIS, 0000
GLENN W. DEAL, 0000
LARRY C. DEERING, 0000
RICARDO DELBREY, 0000
CYNTHIA R. DEMATTEO, 0000
KENNETH L. DEMICK, JR., 0000
GINO F. DINVERNO, 0000
HARRY J. DOBSON, 0000
JAMES P. DOOLEY, 0000
KEVIN V. DOWD, 0000
ELLEN H. DUFFY, 0000
DEAN F. DUNLOP, 0000
DALYN E. DUNN, 0000
DAVID DWYER, 0000
NORRIS L. ELLIS, 0000
WILLIAM D. ERWIN, 0000
KEITH S. FARRAR, 0000
ANDRE S. FELDMAN, 0000
DANIEL FELICIANO, 0000
TERRY D. FELLOWS, 0000
DANIEL FONCELLO, 0000
KEVIN R. FORBES, 0000
DARRELL FOSTER, 0000
MARK R. FOURNIER, 0000
KENNETH T. FRIEDMAN, 0000
BRADLEY H. FUDGE, 0000
ROBBY D. FUENTES, 0000
WAYNE T. FULLER, 0000
GARY L. FUSELIER, 0000
THOMAS L. GIBBONS, 0000
ROWLAND V. GILBERT, JR., 0000
MICHAEL J. GIRGENTI, 0000
JOHN J. GOFF, 0000
ROLANDO GONZALEZ, JR., 0000
GRANT GORTON, 0000
CURTIS L. GOSHEN, 0000
ANDRE M. GOULD, 0000
LAWRENCE P. GRABIEL, 0000
BUNN F. GRAY, 0000
FRANCIS S. GRIAK, 0000
MARTIN M. GROOVER, 0000
MITCHELL P. GROSS, 0000
JAY P. GULLEY, 0000
CHRISTOPHER D. HADEN, 0000
EDSEL R. HAISLIP, 0000
BART D. HALL, 0000
JAMES O. HAMMOND, 0000
AMOS HARDY, 0000
KEITH E. HARLOW, 0000
MICHAEL L. HARRIS, 0000
CAROLYN Y. HARTLEY, 0000
STEPHEN M. HARVEY, 0000
GEORGE R. HAW, 0000
CAROL D. HAYNES, 0000
CHRISTOPHER J. HEALY, 0000
ALTON J. HENAULT, 0000
JAMES H. HENDERSONCOFFEY, 0000
BILLY W. HENDRIX, 0000
ROBERT A. HENLEY, 0000
MICHAEL R. HERKENHOFF, 0000
WILLIAM J. HEWITT, 0000
DAVID D. HILES, 0000
TRACY L. HINES, 0000
DAVID W. HODGE, 0000
RONNIE D. HOLLADAY, 0000
CLYDE A. HOLMES, 0000
PAUL L. HOMAN, 0000
DARRELL L. HOOD, 0000
WILLIAM F. HOWELL, 0000
ROY R. HOYT, 0000
TIMOTHY M. HUNTER, 0000
ROBERT M. HUNTINGTON, 0000
SCOT M. HUSA, 0000
ALFRED L. IANNACONE, SR., 0000
WILLIAM G. JACKSON, 0000
ELLEN M. JARVIS, 0000
BERNETT P. JEFFERS, 0000
BERTRAM L. JENNINGS, 0000
WESLEY T. JOHNSON, 0000
ROBIN L. JONES, 0000
WILLIAM A. JONES, 0000
GARY S. JOSHWAY, 0000
GEOFFREY A. KAUFMAN, 0000
DAWN M. KELLEHER, 0000
JAMES G. KELZ, 0000
ELMER A. KIEL III, 0000
ANTHONY R. KING, 0000
DANNY W. KING, 0000
JOHN L. KLINE, 0000
JOSEPH J. LAFAVE, 0000
THERESA A. LAFOND, 0000
HIRAM K. LAMB, 0000
JOHN J. LANZONE, 0000
GARY P. LAWLER, 0000
PAUL J. LAWRENCE, 0000
TERRISIANA D. LEE, 0000
LAWRENCE F. LENNOXBEALS, 0000
MICHAEL L. LEONARD, 0000
THOMAS E. LIPSCOMB, 0000
JAMES A. LONG, 0000
ANN M. LONGBOY, 0000
MARCIA R. LOVE, 0000
DAISY M. LUTTRELL, 0000
MICHAEL D. MARKUS, 0000
BRYAN E. MARTIN, 0000
MICHAEL L. MCDONALD, 0000
RICKY A. MCGLADE, 0000
DEIRDRE M. MCGOVERN, 0000
ANTOINETTE L. MCMILLEN, 0000
EARL F. MCNEIL, JR., 0000
PATRICK D. MEAD, 0000
JACQUELINE M. MEYER, 0000
MICHAEL P. MILLER, 0000
JOHN D. MILTENBERGER, 0000
TERRY L. MIXON, 0000
HALLOCK N. MOHLER, 0000
JEFFREY S. MOORE, 0000
EDUARDO E. MORALES, 0000
PETER R. MOSS, 0000
JOHN J. MOTT, 0000
THOMAS A. MURPHY, 0000
DAVID J. MURRAY, 0000
EDGARDO R. NARANJO, 0000
TOMMY R. NASH, 0000
DARRELL NEALY, 0000
AL T. NESMITH, 0000
JEREMY P. NEWMAN, 0000
TIMOTHY M. NICHOLSON, 0000
WILLIAM S. NICOL, 0000
ROBERT J. NICOLOSI, 0000
DAVID W. NIKODYM, 0000
GARY C. NORMAN, 0000
KEVIN B. OBRIEN, 0000
MICHAEL J. ONEILL, 0000
ERNEST W. OSBORN, 0000
CHERYL A. OUTLAW, 0000
DAN E. PALMER, 0000
JAMES J. PARENTE, 0000
RICHARD D. PARISER, 0000
WILLIAM L. PARTINGTON, 0000
YOUNZETTA O. PAULK, 0000
JIMMY A. PAYNE, JR., 0000
DAVID A. PEARSON, 0000
ROBERT C. PETERSEN, 0000
CATHERINE E. PETERSON, 0000
THOMAS J. PETRUCCI, JR., 0000
THOMAS A. PHILLIPS, 0000
ANITA L. PIERCE, 0000
RICHARD J. POOL, 0000
MARCUS L. POPE, 0000
ROSCOE C. PORTER, JR., 0000
KARI A. PREMUS, 0000
MARK A. QUINN, 0000
TODD M. RADEMACHER, 0000
MANUEL A. RAMOS, JR., 0000
JAMES E. RAULSOME, 0000
ZINA L. RAWLINS, 0000
THOMAS S. REA, 0000
DANIEL F. REESE, 0000
''L'' J. REGELBRUGGE III, 0000
JOE S. RENELLA, 0000
MICHAEL P. RILEY, 0000
THOMAS W. ROSE, 0000
CURNESS P. RUSSELL, 0000
ALBERTO G. SALUNGA, 0000
MARKIEST D. SANDERS, 0000
ROBERT A. SAWVELL, 0000
GUY K. SCHMIDT, 0000
GALES Y. SEATON, 0000
FRANK M. SEGUIN, 0000
DARREN S. SHAND, 0000
JOHN F. SHEEHAN, 0000
MICHAEL SHELLENBARGER, 0000
JEFF A. SHIELDS, 0000
NICHOLAS R. SIEWERS, 0000
JOHNNIE L. SIMPSON, 0000
KEVIN S. SKINNER, 0000
MATTHEW P. SMALL, 0000
RICKY D. SMALL, 0000
GARY C. SMITH, 0000
LOREN J. SMITH, 0000
WAYNE A. SMITH, 0000
RONALD W. SPAULDING, 0000
BYRON J. SPEARMAN, 0000
DAVID A. SPURLOCK, 0000
GEOFFREY L. STAHRE, 0000
KEVIN E. STANHOPE, 0000
THOMAS D. STARKS, 0000
VINCENT J. STEPHENS, 0000
FAITH E. STRAUSBAUGH, 0000
TIMOTHY A. SUME, 0000
BIENVENIDO G. TAPANG, 0000
ANTHONY C. TARANTO, JR., 0000
DOUGLAS J. THORNTON, 0000
SANFORD T. THORNTON, 0000
LEONARD TREADWAY, 0000
MARC W. TROSIEN, 0000
STEPHEN J. TRZCINSKI, 0000
RENAN J. TULABUT, 0000
TIMOTHY S. TURK, 0000
ROBERT W. VEIT, 0000
BRYAN L. WADE, 0000
ALLEN W. WALLACE, 0000
STEPHEN D. WHISLER, 0000
PAUL W. WILKES, 0000
MATTHEW WILLIAMS, 0000
WILLIAM G. WILLIS, 0000
CHRISTOPHER WLASCHIN, 0000
SCOTT J. WOLFE, 0000
DAVID J. WUESTEWALD, 0000
DALE E. YAGER, 0000
GREGORY C. ZACH, 0000
MICHAEL S. ZARTMAN, 0000
MICHAEL A. ZURICH, 0000

THE FOLLOWING NAMED OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROY I. APSELOFF, 0000
EDWARD L. ARCAND, 0000
STEPHEN E. ARMSTRONG, 0000

DENNIS J. BAKER, 0000
JEFFREY T. BAKER, 0000
JOSEPH J. BALDAUF, 0000
BRYAN K. BALL, 0000
NICHOLAS D. BARONE, 0000
LAWRENCE P. BEAL, 0000
FRED L. BEAVERS, 0000
ROBERT L. BEILKE, 0000
JOHN R. BELL, 0000
ROBERT C. BENTON, 0000
BLAKE W. BIGGS, 0000
JEFFREY E. BLACKBURN, 0000
DAVID R. BLAKE, 0000
THOMAS J. BONANNO, 0000
PAUL BRANUM, 0000
ROBIN R. BRAUN, 0000
MARY J. BROWN, 0000
MICHAEL J. BROWNE, 0000
SANDRA T. BUCKLES, 0000
KARL P. BUNKER, 0000
ERIC C. BURGESS, 0000
CAROLYN A. CALOMENI, 0000
CARL E. CARSON III, 0000
MATTHEW CHABAL, 0000
STEPHEN M. COBBE, 0000
JOHN R. COCHRANE, 0000
SEAN J. COLEMAN, 0000
JAMES F. COLLINS III, 0000
DENIS R. CONKEY, 0000
MARY T. COPELAND, 0000
WILLIAM N. COPELAND, JR., 0000
DAVID C. COPLEY, 0000
RICHARD S. CORNISH, 0000
WILLIAM S. COUCH, 0000
JOHN T. COUNTS, 0000
JOHN B. E. CUNNINGHAM, 0000
PAUL K. DANNER III, 0000
MARK W. DAVIDOSKI, 0000
ROBIN A. DAVIDSON, 0000
GREGORY B. DILLON, 0000
WILLIAM N. DONOVAN, 0000
LAFE A. DOZIER, 0000
MARK M. DRAKE, 0000
DANNY G. EAST, 0000
SHARON ELAINE, 0000
ROBERT T. ELDER, 0000
LAWRENCE A. ELLIOTT, 0000
WILLIAM O. ENGVALL, 0000
BARRY C. ERB, 0000
STEPHEN C. ERTMAN, 0000
THOMAS J. FACER, JR., 0000
CHARLES D. FASNACHT III, 0000
FREDERICK C. FEARNOW, 0000
JACK A. FEDEROFF, 0000
MICHAEL P. FERGUSON, 0000
STEVEN A. FILLIPOW, 0000
JOHN M. FLYNN, 0000
ALVIN FORD, 0000
BARBARA G. FORD, 0000
JOSEPH E. FRACK, 0000
GLENN D. FUGATE, 0000
MARK FULENWIDER, 0000
ROBERT D. GARDNER, 0000
JOSEPH A. GELSOMINO, 0000
WILLIAM S. GOULD, 0000
RUSSELL J. GRANIER, 0000
KATHRYN T. GRAY, 0000
BETTY L. GRIER, 0000
JAMES E. GRISWOLD, 0000
JOHN T. GWYNN, 0000
HAYDEN G. HABY, JR., 0000
DAVID D. HAINES, 0000
REBECCA C. HAMPTON, 0000
DAVID L. HARDWICK, 0000
NORMAN G. HAWKINS, 0000
CHARLES E. HENRY, 0000
EDWIN S. HENRY, 0000
MARTHA E. G. HERB, 0000
WILLIAM P. HESSION, 0000
RICHARD J. HIEL, 0000
KAY M. HOLT, 0000
FREDDIE L. HOLYFIELD, 0000
BRADLEY B. HOMES, 0000
RICKY L. HORNE, 0000
THOMAS M. HUGHES, 0000
PETER A. HUSTA, 0000
DAVID K. INMAN, 0000
JAMES A. ISOM, 0000
CHARLES G. IVEY, 0000
RICHARD B. JACOBS, 0000
DONNA W. JASITT, 0000
LEOPOLD F. JOH, 0000
PETER C. JOHANSEN, 0000
MELANIE M. JOHNSON, 0000
MICHAEL JOHNSON, 0000
CRAIG S. KAIN, 0000
WILLIAM F. KAUFFMAN, 0000
JOHN S. KELLY, 0000
JAMES J. KILPSTRICK III, 0000
JAMES S. KING, 0000
JEFFREY KIRKWOOD, 0000
JOHN C. KIRTLAND, 0000
JEFFREY L. KNUTSON, 0000
ALVIN F. KOLPACKE, 0000
KEVIN E. KOODA, 0000
GEORGE W. KORCHOWSKY, 0000
K. J. KROPKOWSKI, 0000
ROBERT E. KUEHNEL, 0000
PARKER C. KULDAU II, 0000
MICHAEL S. KYNETT, 0000
WILLIAM A. LARICK, 0000
JONATHAN E. LATHROP, 0000
JAMES K. LIMING, 0000
THOMAS J. LINDBERG, JR., 0000
ROBIN A. LINN, 0000
DAVID M. LIVINGSTON, 0000
BRADLEY J. LUNSFORD, 0000
PETER D. MACKAY, 0000
MICHAEL D. MADDOCKS, 0000
DAVID J. MAHONEY III, 0000
CHARLES W. MALLORY, 0000
RANDY V. MARBURGER, 0000
TIMOTHY J. MARCOTTE, 0000
JEROME K. MATHRE, 0000
CHRISTOPHER W. MAY, 0000
GARY A. MAYNARD, 0000
DENNIS B. MCBROOM, 0000
JETT C. MCCANN, 0000
STEVEN J. MCCLAIN, 0000
MALCOLM C. MCCOLLUM, 0000
JOHN J. MCCORMACK, JR., 0000
KEVIN S. MCCORMACK, 0000
DAVID T. MCDANIEL, 0000
GARY W. MCDONALD, 0000
ANNE MCDONNELL, 0000
JAMES B. MCGEE, 0000
PATRICK E. MCGRATH, 0000
DAVID G. MCRAE, 0000
STEPHEN R. MERRILL, 0000
LISA N. MEUNIER, 0000
ROBIN D. MEYER, 0000
SCOTT R. MICHEELS, 0000
DANIEL P. MILLER, 0000
MARK M. MILLER, 0000
ROBERT G. MINER, 0000
FRED J. MINGO, JR., 0000
REBECCA H. MINTON, 0000
JAMES E. MONAHAN, 0000
KEVIN E. MOONEY, 0000
ANTHONY H. MURRAY III, 0000
MARK L. NESTLE, 0000
STEPHEN D. NICHOLS, 0000
WALLY R. NICKOLI, 0000
PEGGY A. OLEARY, 0000
DANNY T. ONEIL, 0000
ORIAN W. OTT II, 0000
CHARLES B. PAINTER, 0000
HAROLD R. PAUL, 0000
MARK J. PAWLAK, 0000
KEITH M. PEECOOK, 0000
JEANPIERRE PLE, 0000
LUIS E. POSADA, 0000
ANNE K. S. POWER, 0000
MICHAEL H. PRECHT, 0000
PAUL R. PRENTISS, 0000
ALICE A. PRUCHA, 0000
TIMOTHY W. PUCKETT, 0000
SCOTT J. PURSLEY, 0000
THOMAS E. PUTMAN, 0000
MARY C. QUIGLEY, 0000
ARTHUR R. RANDOLPH, 0000
MARK H. RATACZAK, 0000
EDWIN M. RAU, 0000
JOHN P. REBERGER, 0000
ROBERT K. REEVE, 0000
JAMES S. REID, 0000
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PETER J. ROMANO, 0000
LINDA J. ROSEBERRY, 0000
GARY W. ROSHOLT, 0000
SHARON L. F. ROSS, 0000
JAMES R. ROYS, 0000
GARY T. RYAN, 0000
RICHARD W. SANDELLI, 0000
RALPH P. SCAFFIDI, 0000
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STEVEN M. SHARKEY, 0000
ALEXANDER V. SHARP, 0000
MICHAEL R. SIDROW, 0000
LEE E. SMITH, JR., 0000
SHAWN L. B. SMITH, 0000
PETER E. SPAULDING, 0000
CAROLYN M. STABACH, 0000
MICHAEL D. STAMAND, 0000
GEORGE P. SUGARS, 0000
TODD P. TARBY, 0000
ROBERT M. TATA, 0000
KEITH L. TAURMAN, 0000
JAMES C. TAYLOR, 0000
KENNON P. TEMPLE, 0000
KENNETH J. THIELMAN, 0000
MICHAEL J. TOOMEY, JR., 0000
LEE A. TOUGAS, 0000
ALAN A. TUCKER, 0000
GUY W. TURNQUIST, 0000
DAVID F. TUROCY, 0000
ROBERT D. VANDYKEN, 0000
VICTOR J. VANHEEST, 0000
PETER H. VANNESS, 0000
STEPHEN J. VESTER, 0000
CARL E. VONBUELOW, 0000
JILL H. VOTAW, 0000
HERBERT W. WADSWORTH, 0000
JOHN M. WALSH, 0000
STEVEN D. WALTON, 0000
MICHAEL E. WARNER, 0000
RONNY D. WASHINGTON, 0000
AARON D. WATTS, 0000
LAWRENCE L. WEBB, 0000
KURT M. WEIGEL, 0000
RICHARD L. WESTON, 0000
DANIEL WHITSETT, 0000
ROBERT E. WILCOX, 0000
CALVIN R. WILDER, 0000
NORRIS O. WILLIAMS, 0000
SCOTT W. WILSON, 0000
WARD T. WILSON, 0000
CHESTER W. WONG, 0000
WINSTON D. S. WOOD, 0000
JAMES B. WRIGHT III, 0000
DAVID W. YIP, 0000
KARL S. YOUNG, 0000
JOSEPH R. ZERBO, 0000
JOHN D. ZIMMERMAN, 0000

EXTENSIONS OF REMARKS

THE CONTRIBUTIONS OF PRESIDENT AND MRS. RONALD REAGAN

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. GRAHAM. Mr. Speaker, I regret that I was unavoidably detained in South Carolina yesterday. Had I been present, I would have voted ''aye'' on the bills H.R. 1089 and H.R. 3591.

President and Mrs. Reagan stand as shining examples to all Americans. I have often told audiences around the nation that we should have a man as president whom everyday Americans can point to as a role model to their children, a man whom they can respect, and a man they can trust. Ronald Reagan was such a man. He played a key role in my own decision to get involved in politics. Ronald Reagan is a man that people trust, a man that made America feel good about itself again.

As First Lady, Nancy Reagan carried herself with dignity and grace and used her time in the nation's spotlight to focus America's attention on the negative impacts of drug abuse, especially among young people. Mrs. Reagan has been a brilliant example for all Americans who have loved ones that require long term care, and has continued her work to combat youth drug abuse.

I can think of no two people more deserving of our recognition of their dedication to public service, than Nancy and Ronald Reagan. That is why I am an original cosponsor of H.R. 3591, and deeply regret that I was not able to support it with my vote yesterday.

HONORING OUR 40TH PRESIDENT RONALD REAGAN AND MRS. NANCY REAGAN

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, due to a family medical emergency I missed Recorded Votes No. 96 and No. 97 on April 3, 2000. Had I been present I would have voted ''aye'' on both bills.

Mr. Speaker, yesterday, this House considered legislation to honor two of the finest people to ever grace our country with their service. These two individuals urged us to win one for the Gipper, and guaranteed us it was morning in America. They taught us to Just Say No. They brought economic security back to our country, and moral values back to our nation. And most importantly they slew the beast known as Soviet communism. Of course I refer to President and Mrs. Reagan.

President Ronald Reagan is more than just a great American President. He is more than a leader who gave the working family a much needed tax break, while encouraging productive investment to create jobs. He is more than a leader who strengthened our national defense. He is more than a leader who made these United States of America the sole superpower on the face of this Earth. He is a man that took away the infliction of malaise, which filled us as a nation with fears and doubts, and replaced it with a sense of hope and a sense of price. Ronald Reagan is more than just a great President, President Ronald Reagan is an American Icon.

Mr. President and Mrs. Reagan I say Thank You. Thank you for your patriotism, thank you for your service, and thank you for your leadership. Mr. President and Mrs. Reagan it is my honor to support awarding you the Congressional Gold Medal.

IN HONOR OF THE OHIO JUNIOR CLASSICAL LEAGUE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Ohio Junior Classical League for their continued celebration of the classics.

Formed in 1936, the National Junior Classical League (NJCL) is an organization of junior and senior high school students sponsored by the American Classical League. Composed of local and state/provincial chapters across the United States, Canada, and Australia, it is the largest Classical organization in the world today with over 55,000 members. Its purpose is to encourage an interest in and an appreciation of the language, literature and culture of ancient Greece and Rome and to impart an understanding of the debt of our own culture to that of Classical antiquity.

The NJCL holds a yearly convention in late July or early August. This year's convention will be held in Tallahassee, Florida, at the Florida State University Similarly, the OJCL holds yearly conventions in Columbus, Ohio, in March. These conventions give a chance for students to compete and have fun with others who share their love for Latin. This year, during the weekend of March 10–12, 2000, over 900 Latin students and their teachers from across Ohio gathered in Columbus for the 50th OJCL State Convention. In addition to the competitions normally found on the schedule, the OJCL incorporated events to recognize fifty years of OJCL history.

In a period of diminishing participation in classical languages, the OJCL has been able to keep the classical enthusiasm alive with 55 local Latin clubs across the state. The OJCL has been able to keep young people interested in and appreciative for the language, literature, history, and culture of classical civilizations.

My fellow colleagues, please join with me in honoring OJCL on their continued success.

35 SIKHS MURDERED IN INDIAN–CONTROLLED KASHMIR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. BURTON of Indiana. Mr. Speaker, on the evening of Monday, March 20, 2000, in a Sikh village located in the Indian-controlled side of Kashmir, several armed men roused Sikh villagers from their homes, lined up 35 of the men, and shot them to death. According to Associated Press (AP) reports, witnesses said the gunmen entered the village about 7 p.m., dressed in what appeared to be Indian army uniforms. They knocked on doors, forced the adult men to come out with their identity cards, lined them up in two groups and opened fire.

There has been much speculation about who is responsible for these gruesome murders. India claimed that Kashmiri militants were responsible for the massacre, and accused neighboring Pakistan of supporting the rebels. On the eve of President Clinton's visit to India, and considering Pakistan's current situation, it is difficult for me to believe that Pakistan would take this sort of a risk to their relationship with the United States.

That is why I am inserting into the RECORD a press release from Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. Dr. Aulakh, who has conducted a peaceful, democratic, nonviolent effort for a free and sovereign Khalistan, suggests that this, as the AP reported, may be the handiwork of the Indian government.

Mr. Speaker, the Indian government has murdered over 250,000 Sikhs since 1984; 200,000 Christians in Nagaland since 1947; more than 65,000 Kashmiri Muslims since 1988; and tens of thousands of Assamese, Manipuris, Tamils, and Dalits. With a track record like that, I certainly believe that Dr. Aulakh's assertion merits a closer look.

INDIAN GOVERNMENT MURDERS 35 SIKHS

RAW AGENTS POSE AS KASHMIRI MILITANTS—CONTINUES PATTERN OF PITTING MINORITIES AGAINST EACH OTHER

WASHINGTON, DC, March 21—Thirty-five (35) Sikhs were murdered in Kashmir today by agents of the Indian government's Research and Analysis Wing (RAW) posing as Kashmiri militants. There are over 700,000 Indian troops stationed in Kashmir, yet the murderers disappeared without detection. The murders were carried out during President Clinton's visit to South Asia.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, strongly condemned the murders. ''These murders are evil, cowardly, and stupid acts designed to pit one community against another and prop up India's image for the President's visit,'' Dr. Aulakh said. ''Whoever carried out these brutal acts, they are cowards,'' he said. ''They may escape justice in this world, but they will face the justice of God. That will be worse for them.''

''Sikhs and Kashmiris are allies in the struggle for freedom,'' said Dr. Aulakh.

''What motive would Kashmiri freedom fighters have to kill Sikhs? This would be especially stupid when President Clinton is visiting. The freedom movements in Kashmir, Khalistan, Nagaland, and throughout India need the support of the United States,'' he said. Khalistan is the Sikh homeland declared independent on October 7, 1987.

The murders continue a pattern of divide-and-rule terrorism by the Indian government. The government has recently tried to blame Sikhs for the murder of Christian missionary Graham Staines by arresting a Hindu man who uses the alias Dara Singh. Every Sikh male uses Singh in his name. Yet it was reported at the time of the Staines murder that he and his two sons were burned to death in their jeep by a mob chanting ''Victory to Hannuman,'' a Hindu god. That mob was affiliated with the Fascist RSS, the parent organization of the ruling BJP. In November 1994, the Hitavada reported that the Indian government paid the late Governor of Punjab, Surendra Nath, $1.5 billion to organize and support covert state terrorism in Punjab, Khalistan, and in Kashmir. The book ''Soft Target'', written by two respected Canadian journalists, proved that the Indian government blew up its own airliner in 1985, killing 329 people, to blame the incident on the Sikhs and provide an excuse for more repression and bloodshed. This is a well-established modus operandi of RAW.

The Indian government has murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. The figures were published in ''The Politics of Genocide'' by Inderjit Singh Jaijee. The government has also killed over 200,000 Christians in Nagaland since 1947, more than 65,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalits, and others. The U.S. State Department reported that the Indian government paid more than 41,000 cash bounties to police to murder Sikhs. Amnesty International recently reported that there are thousands of political prisoners, including prisoners to conscience, held in Indian jails without charge or trial. Some Sikh political prisoners have been in this illegal detention since 1984.

''This shows that there is no freedom for minorities in India,'' Dr. Aulakh said. ''For minorities, India is no democracy,'' he said. ''As U.S. Congressman Dana Rohrabacher said, for the minorities 'India might as well be Nazi Germany.' ''

''I urge President Clinton and Ambassador Richard Celeste to confront India on these brutal murders, as well as the recent harassment of journalist Sukhbir Singh Osan, getting Sikh and other political prisoners released, and the ongoing, massive, and brutal human-rights violations against Sikhs and other minorities,'' Dr. Aulakh said. ''If the United States wants to see an end to these incidents, it should support self-determination for Khalistan, Kashmir, Nagaland, and all the other nations seeking their freedom from India,'' Dr. Aulakh said. ''Only a free Khalistan will end India's corruption, tyranny and genocide against the Sikh Nation,'' he said. ''India is on the verge of disintegration. The Sikh leadership should immediately begin a ''Shantmai Morcha'' to liberate our homeland, Khalistan.''

[From the Washington Post, Mar. 21, 2000]

NEAR CLINTON'S INDIA VISIT, VIOLENCE FLARES IN KASHMIR

(By Pamela Constable)

SRINAGAR, India March 20.—While their government and most of their countrymen are hoping President Clinton will play down the sensitive topic of Kashmir during his visit to India this week, people in this depressed, wintry city at the political heart of the disputed, violence-torn region are praying for just the opposite.

Today, in the worst single attack on civilians in a decade of guerrilla war, unidentified gunmen massacred 35 Sikh men in the Kashmiri village of Chati Singhpura Mattan, wire services reported. Security officials had feared that armed Pakistan-based insurgents, who have stepped up attacks here in recent months, might stage a dramatic attack during Clinton's stay in India.

Clinton condemned the attack in Kashmir.

''On behalf of the president and all Americans let me express our outrage at the attack on a village in Kashmir last night,'' White House spokesman Joe Lockhart told reporters in New Delhi.

Many Kashmiris believe that only a world leader of Clinton's stature can put pressure on Indian officials to start meaningful negotiations with Pakistan over the mountainous, predominantly Muslim border region where separatist sentiment is strong, guerrilla violence is rapidly rising and Indian troops patrol with an iron fist.

''If Mr. Clinton can make a difference in places like Chechnya and Bosnia, why not in Kashmir?'' said Shah Khan, 22, who sells shirts and pants in the teeming alleys of Lal Chowk bazaar. ''We are happy because at least his visit will bring some attention to our problems, but we wish he would come to Kashmir and see for himself. Then we would all tell him one thing; we want freedom.''

But this message is highly unlikely to reach Clinton's ears or the Indian capital this week. On Sunday, about 50 Kashmiri independence activists were arrested and jailed as they tried to board buses that would take them to New Delhi for a protest rally near Parliament, where Clinton is scheduled to speak Wednesday.

In a brief interview in jail today, the group's leader, Shabir Shah, 44, said they had been tear-gassed and dragged into police vans as they prepared to leave. He said the group, which seeks Kashmiri independence from India, had planned to stage a peaceful rally and a symbolic hunger strike.

''President Clinton says he wants to help ease tensions in the region, and he will be talking with India and Pakistan, but we wanted to tell him that it is futile until we Kashmiris are taken into account,'' Shah said.

Kashmir, which is divided between India and Pakistan, has been the major source of friction between the two neighbors and nuclear powers for a generation. Since the early 1990s, the Indian-occupied part has been the site of a violent conflict between anti-India insurgent groups and Indian security forces, which has cost tens of thousands of lives. Last summer, a 10-week border conflict in the Kargil mountains left hundreds dead.

Today's attack on the Sikhs seemed to represent an especially gruesome escalation of violence and attempt at ethnic cleansing in the Kashmir Valley, where Muslims dominate the population and the insurgency has become increasingly directed by Islamic groups based in Pakistan. The victims were separated from their families by unidentified gunmen who entered their village after dark and shot them.

In the past, Kashmiri insurgent groups have concentrated on military targets and have denounced terrorism against civilians. But in recent weeks, there have been a half-dozen attacks on Hindu truck drivers and on scattered villages of Kashmiri Pandits, or local Hindus, many of whom were violently driven from the region years ago. Now Sikhs, who have lived peaceably in northern Kashmir for years, appear to have become their latest target.

Clinton, who has called Kashmir ''the most dangerous place in the world,'' has repeatedly expressed interest in helping to defuse the tensions and to nudge India and Pakistan back toward dialogue. But Indian authorities are adamantly opposed to any foreign intervention in the dispute, and have declared they will not resume talks with Pakistan until it stops arming and training Kashmiri insurgents.

In interviews over the weekend, some Srinagar residents said they were skeptical that Clinton's talks with Indian leaders could make any difference. They said the United States was too concerned with bigger issues, such as trade and nuclear non-proliferation, to let Kashmir become an irritant to improving relations.

''Clinton is coming as a guest, so he won't want to embarrass his hosts. What he says in America shout Kashmir may not be what he says here,'' said Masood Ahmed, 30, another shopkeeper in Lal Chowk. ''He already knows that thousands of people have been killed in Kashmir, but he is only coming to see the Taj Mahal.''

[From the New York Times, Mar. 21, 2000]

35 MASSACRED IN SIKH TOWN IN KASHMIR

SRINAGAR, India, Tuesday, March 21 (AP).—Gunmen rounded up and killed 35 Sikh villagers in the disputed state of Kashmir, the police said today as President Clinton began a visit to India.

The massacre on Monday night was the first major attack on the small Sikh community in Kashmir since separatist Muslims started their insurgency 10 years ago. Sikhs are considered a neutral minority, but Indian officials had warned earlier of violence by Muslim militants hoping to draw attention to Kashmir during Mr. Clinton's visit.

Both India and Pakistan claim the Himalayan territory and have fought two wars over it.

The gunmen were not immediately identified and no group claimed responsibility for the attack, the police said.

Mr. Clinton arrived in New Delhi, 400 miles to the south, on Monday evening after a visit to Bangladesh. He has said that reducing tensions between India and Pakistan is one of his objectives of the trip.

Many Kashmiris were hoping that the president's visit would lead to a breakthrough in the long deadlock on the region's future.

Mr. Clinton's spokesman, Joe Lockhart, expressed outrage over the killings, saying in a statement that ''our most profound sympathies go out to the victims of this brutal massacre.''

The attackers entered the village of Chati Singhpura Mattan after dark and forced the residents from their homes, police officials said.

The assailants separated the men from the women, announcing that they were conducting a ''crackdown,'' Indian security forces operate similarly when searching a neighborhood for militants that they suspect may be hiding there. The gunmen then opened fire on the men, killing 35 of them. One man was critically wounded.

Sikhs have lived mostly undisturbed in the Kashmir Valley, the only area in predominantly Hindu India with a Muslim majority. Many run the trucking companies that supply the valley.

In the last six months, attacks by the militants have focused on army bases and patrols rather than random terrorism, and have shown a higher degree of training and expertise, senior army officers have said. They said about 3,500 militants were in Kashmir, and many of them had infiltrated the cease-fire line from Pakistan, with the help of the Pakistan army. Pakistan denies giving active aid to the militants.

The area of the Sikh village is about 42 miles from Srinagar, Kashmir's summer capital, and is controlled by armed Kashmiri groups that abandoned separatism and were recruited by the Indian army as a counterinsurgency auxiliary force.

CONGRATULATING THE UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM ON WINNING THE 2000 NCAA NATIONAL CHAMPIONSHIP

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. GEJDENSON. Mr. Speaker, today I congratulate the University of Connecticut Women's Basketball team on winning the 2000 NCAA National Championship in outstanding fashion over the Tennessee Lady Volunteers. This is the second National Championship for the Huskies in five years. As a graduate of the University of Connecticut, I join the UConn community as well as residents throughout eastern Connecticut and across our State in celebrating an incredible team effort and season.

Anyone who watched the game on Sunday night cannot dispute the fact that the Huskies are far and away the best team in women's basketball. From the opening tip through the final buzzer, the Huskies dominated on offense and defense on route to a 71 to 52 victory—the second largest margin of victory ever in a women's NCAA championship game. The Huskies demonstrated once again why the program was the number one team in the nation for every single week of the 1999–2000 season. Sue Bird directed an incredible offensive attack with a combination of assists, scoring and hustle. All-American Shea Ralph, who earned Tournament MVP honors, demonstrated the tenacity on offense and defense which has become her trademark. She led the team with 15 points and finished the year as the team's leading scorer averaging more than 14 points per game.

All-American Svetlana Abrosimova, MVP of the East Regional final, sparked the Huskies' with an early 3-point bucket on her way to another spectacular game on both sides of the ball. She scored 14 points and finished the season averaging more than 13 points per game. Kelly Schumacher, who stepped into the starting lineup mid-season, was smothering on defense setting a tournament record with 9 blocked shots. Swin Cash added offensive punch scoring 9 points while finishing the season averaging nearly 10 points per game.

As UConn has demonstrated throughout the season, winning the championship was truly a team effort. Every player made contributions throughout the game and over the course of the season enabling the Huskies to compile a 36 and 1 record and, ultimately, to win another National Championship. Asjha Jones, who provided depth off the bench all season, scored 12 points—more than all but one Tennessee player. Tamika Williams, Kennitra Johnson, Paige Sauer, Stacy Hansmeyer, Marci Czel, Keirsten Walters and Christine Rigby each played important minutes in the championship game and throughout the course of the season.

I also want to offer congratulations to Head Coach Gino Auriemma. Coach Auriemma has led the Huskies to two National Championships, including an undefeated season in 1994–1995. He is widely viewed as one of the foremost coaches in collegiate basketball. He and his entire coaching staff—Chris Daily, Tonya Cardoza and Jamelle Elliott—deserve much credit for the Huskies' success this season and throughout the 1990s.

Mr. Speaker, I believe it is safe to say that the UConn Women's Basketball program was one of the two most dominant in the nation in the 1990s. Over the past decade, UConn won 313 games, 2 national titles, 8 Big East championships, including 7 straight, and played in the NCAA tournament every year. Only Tennessee won more games. UConn's performance has helped to elevate the national profile of women's basketball—and women's sports in general—to an unprecedented level. The team can take pride in this achievement as much as any other.

I also believe that it goes without saying that the Huskies' fans are among the most dedicated in the nation. The Huskies have been number one in the nation over the past six years in home attendance attracting more than 983,000 fans. Fans from across the state and throughout New England travel to every game at Gampel Pavilion and the Hartford Civic Center. The enthusiasm of the Huskies' fans was evident this weekend as more than 20,000 people attended the women's championship game in Philadelphia.

Mr. Speaker, I am proud to join every resident of Connecticut and fans across the nation in congratulating the University of Connecticut Women's Basketball team on winning the 2000 NCAA National Championship.

A TRIBUTE IN HONOR OF SGT. DELBERT L. ZIMMERMAN, JR.

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. BARCIA. Mr. Speaker, today I honor a fine gentleman, Sgt. Delbert L. Zimmerman, Jr. of Saginaw, MI, on the occasion of his retirement from the Michigan Department of State Police.

For 25 years Sergeant Zimmerman has served in Michigan as an officer with the State Police. He began his distinguished career as a civilian radio operator with the Michigan Department of State Police in 1974. On March 23, 1975, he was appointed to the 89th Recruit School as an enlisted member and graduated on July 17, 1975, whereupon he was assigned to a post in Jackson, MI.

Sergeant Zimmerman was transferred to my home town of Bay City, MI, on March 25, 1984, where he initially worked as a K–9 handler. He was promoted to the rank of sergeant and assigned to a post in Flint, MI, on June 28, 1988. Two years later he again returned to Bay City. On August 2, 1992, he transferred to the Traffic Services Section and was assigned to the Third District Headquarters. Last week, on March 31, Sergeant Zimmerman retired from his post.

During his distinguished career, Sergeant Zimmerman has received many awards. Time dictates that I only mention a few: the 1988 Bay City Post Trooper of the Year award, the 1991 Bay City Post Trooper of the Year award, and the 1984 National Police Association Professional Excellence award.

Mr. Speaker, I think it is fair to say that Sergeant Zimmerman has always worked hard to protect the men, women, and children, who rely daily on the courage and commitment of our State troopers. Likewise, I think it is also fair to state that Sergeant Zimmerman has provided steadfast guidance and leadership to his fellow officers. Such individuals are rare, and deserve our eternal thanks for dedicating their lives to protecting ours.

Mr. Speaker, I invite you and our colleagues to join me in wishing the best in retirement for this dedicated public servant. It is my hope that Sergeant Zimmerman enjoys his newfound time with his family, his wife Kriste, and daughters Kayna, Jennifer and Molly. Again, on behalf of the many families in our neighborhoods that Sergeant Zimmerman has devoted his life to protecting and serving, I extend sincere and heartfelt words of thanks and appreciation, and offer my congratulations for his distinguished career.

IN HONOR OF THE RETIREMENT OF JOSEPH J. EGLIN, JR., ASSISTANT DIRECTOR FOR HIGHER EDUCATION ISSUES, HEALTH, EDUCATION AND HUMAN SERVICES DIVISION, UNITED STATES GENERAL ACCOUNTING OFFICE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. GOODLING. Mr. Speaker, I want to take this opportunity to offer my congratulations to Joseph (Jay) Eglin, Jr. on his retirement from the U.S. General Accounting Office [GAO]. Jay has served the Congress and the public in a long and distinguished career at the GAO that has spanned more than 37 years.

Jay began his career in the Los Angeles Regional Office and he is ending his career in Washington where he serves as the assistant director for Higher Education Issues in the Health, Education and Human Services Division. He has played a vital role throughout the years in identifying problem areas within the student loan program and providing solutions to long standing problems. Most importantly, some of those solutions have saved the Federal taxpayers millions of dollars that would have otherwise been lost to fraud and abuse within the program.

My committee has come to rely on Jay for solutions to numerous issues that arise in the context of administering a very large and complicated student loan program. His suggestions and recommendations for improvements have been invaluable over the years and especially during the reauthorization of the Higher Education Act in 1998. He was instrumental in helping the committee quantify the rapid increases in tuition and fees at colleges and universities across the country. This year, his involvement in the market mechanisms study required by the Higher Education Act has helped to move forward so that a timely report will be delivered to Congress. It is no easy task given the various interests represented by the study group and the complex issues involved.

I want to wish Jay the very best in his retirement on behalf of our committee members who have come to admire and respect his commitment to the improvement of education in America.

CENTRAL NEW JERSEY HONORS THE MEMORY OF JEREMIAH F. REGAN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. HOLT. Mr. Speaker, I rise today in memory of one of central New Jersey's most distinguished citizens, Jeremiah F. Regan. Tonight the city of Oceanport will be officially dedicating the Jeremiah F. Regan Library/Media Center, a fitting tribute to a man who put such great effort into improving education in New Jersey.

Jeremiah Regan was born in Skibbereen, Ireland, and came to the United States in 1932. He served in the Army during World War II, and became a United States citizen while serving in Germany. After leaving the Army, he worked for Western Electric, and then came to work at the Electronics Command at Ft. Monmouth in Eatontown, NJ. While at Ft. Monmouth, Jerry Regan earned many honors, including, in 1984, the Department of the Army Exceptional Civilian Service Award—the highest award the Army gives to civilians.

Jerry served on the school board in Oceanport for 30 years, and served as president from 1976 to 1984. From 1988 to 1990 he served as president of the New Jersey School Boards Association. While with the NJSBA, Jerry worked tirelessly for students in New Jersey, putting special efforts into advocating for early childhood education programs. In 1998, Jerry received the Milestone Award from the NJSBA in recognition of his 30 years of service to the children and families in his community.

Jerry also served on the Save Our Fort Committee with me and Representative FRANK PALLONE, working tirelessly to see that Ft. Monmouth remains an active and integral part of the community. Jerry continued to work for his community until his unfortunate passing in 1999. I was proud to call him a friend and still count his wonderfully warm wife of 44 years, Pinky, as a good friend.

Mr. Speaker, one word has constantly reappeared in this statement, and that word is served. Jeremiah F. Regan truly lived a life of service, and represents the best that central New Jersey has to offer. He was an immigrant, like so many of my constituents today, and like them, he gave himself wholeheartedly to making New Jersey, and America, a better place. I hope the House will join me in recognizing Jerry's accomplishments, and in commending Oceanport for creating this lasting memorial to one of its great citizens.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. ORTIZ. Mr. Speaker, during the following rollcall votes, I was out in my district on official business. Had I been present, I would have voted as indicated below.

Rollcall No. 96—"yes"; rollcall No. 97—"yes."

A FOND FAREWELL TO DEPUTY SECRETARY OF DEFENSE DR. JOHN HAMRE

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, recently, I was saddened to hear that the Department of Defense is losing one of its greatest minds and greatest public servants. Dr. John Hamre is leaving his post as Deputy Secretary of Defense to move into the private sector. Dr. Hamre has had a long and distinguished career of public service in the defense community.

In his two and a half year tenure as Deputy Secretary of Defense he initiated improved business practices, improved defenses against cyberterrorism, and improved defense against biological and chemical warfare. Clearly, our national security has been strengthened by his diligence in these and other areas.

Before his position as Deputy Secretary of Defense he served as Comptroller of the Department of Defense. He had moved to the Department of Defense from the Senate Armed Services Committee where he served as a professional staff member.

Dr. Hamre is not only an extraordinary civil servant, but a good man and good friend. The Center for Strategic and International Studies (CSIS) will be well served with the addition of Dr. Hamre. I would like to thank Dr. Hamre for his years of service to the American people, and wish him all the best with his future endeavors with the CSIS.

IN HONOR OF DENNIS J. VADINI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Dennis J. Vadini, Secretary Treasurer and Principal Officer of the International Brotherhood of Teamsters Local 52 in Cleveland, Ohio.

Dennis Vadini was born and raised in Parma, Ohio. He graduated from Parma High School and then served in the United States Navy from 1968–72. After returning to Cleveland, Dennis immersed himself in labor studies, first at Cuyahoga Community College and then at Cleveland State University. He also earned several certificates in labor law, labor negotiations, and other labor-related subjects from Ohio State University's Continuing Education program.

Dennis Vadini has enjoyed a long and successful Union career. He worked his way up the ladder in the Teamsters Local 52, beginning as chief steward with the Union, and then becoming Trustee in 1980. He also served as Vice-President and President of the Local 52 before reaching his current position as Secretary Treasurer and Principal Officer. In addition, Dennis is Co-chairman of Ohio Bakery Division of the Ohio Conference of Teamsters, and serves on the Medical Mutual Health Care Advisory Council. Because of his commitment to organized labor and his concern for improving the lives of his fellow human beings, Dennis is now being honored by the Cleveland State of Israel Bonds.

My fellow colleagues, please join me in honoring Dennis Vadini, Secretary Treasurer and Principal Officer of the International Brotherhood of Teamsters Local 52.

TRIBUTE TO THE LATE JOSEPH G. CIRILLO

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, today I pay my respects and honor Joseph G. Cirillo, a long-time friend and community leader in Haverford Township, PA, who passed away on March 22 at the age of 60.

Joe Cirillo's life was centered around service to others—he was a devoted family man, a man of deep faith and a generous and hard-working community leader. After serving in the Navy, Joe enrolled at Widener University and later received a master's degree in counseling and human relations from Villanova University. His public service spans almost thirty years working on all the many important areas facing the township—parks and recreation and zoning, to name a few. At the time of his death he was Haverford Township Commissioner and Chairman of the Township's Republican Party organization. Although his political leadership gave him high profile as a Republican, his community involvement extended beyond just politics. His work as personnel director at Fair Acres, Delaware County's geriatric center, placed him in an environment where his concern, compassion and devotion to duty were in evidence on a daily basis.

Joe and his childhood sweetheart, Cathy Dupal, recently celebrated their 40th wedding anniversary. Besides his wife, he is survived by a son, Joseph; daughters Theresa McLean, Susan Ferry and Cathy Koval; five grandchildren; and a brother, Vincent, of Philadelphia. My deep sympathy goes out to Joe's wife, Cathy, to their children, grandchildren and to his brother, Vincent.

The entire community knows Joe as a man who could be counted on in every situation. If ever a man lived his faith, it was Joe Cirillo. Joe was an extraordinary man who went above and beyond what was needed because of his sincere desire to help his fellow man. We will all miss Joe, but we count as blessing all the many wonderful memories of his life and work. Mr. Speaker, our region has lost a great leader, and I have lost a good friend.

[From the Philadelphia Inquirer, Mar. 23, 2000]

JOSEPH G. CIRILLO, A GOP LEADER

(By William Lamb)

Joseph G. Cirillo, 60, a Haverford Township commissioner and chairman of the township's Republican Party organization, died yesterday of an apparent heart attack at Delaware County's Fair Acres Geriatric Center, where he was director of personnel.

Mr. Cirillo had represented Haverford's Third Ward on the township's Board of Commissioners since 1995, when he was appointed to fill the seat vacated by the death of Stephen Campetti. In 1997, he was appointed to the Haverford Authority, a body charged with recommending uses for the 239-acre site of the former Haverford State Hospital.

Mr. Cirillo's political allies and foes described him as a diligent worker who devoted much of his free time to his party and community.

A native of West Philadelphia, Mr. Cirillo graduated from St. Thomas More High School in 1957, an achievement he noted proudly with a personalized license plate: ''STM 1957.''

After serving in the Navy, Mr. Cirillo took a job with Acme Markets at the supermarket chain's West Philadelphia warehouse at 59th Street and Upland Way. He enrolled at Widener University after chronic back problems forced him to leave the job, and later received a master's degree in counseling and human relations from Villanova University.

In 1959, he married Cathy Dupal, whom he had known since childhood. The couple moved to Haverford in 1966.

Mr. Cirillo immersed himself in his community, and in the Republican organization that ran it. He served on the township's parks and recreation board in the early 1970s. He was appointed to the Zoning Hearing Board in 1980 and was elected chairman in 1993.

By the mid-1980s, Mr. Cirillo was first vice president of the township Republican committee, eventually taking control of the local party organization in 1994 after the resignation of Hugh A. Donaghue.

Until his ally Fred Moran failed to win reappointment as commissioners chairman in January, Mr. Cirillo was Haverford's undisputed GOP boss. Despite rumors of an effort to depose him as party chair, Mr. Cirillo had said this week that he planned to seek reelection to the post next month.

He began working for Delaware County in 1982 as a human resources information and referral specialist. In 1987, he was appointed personnel director at Fair Acres, the county's geriatric center in Lima, a position he held until his death.

''I don't know anyone that can't say that Joe was the most loyal and hard-working Republican in this township,'' said Joan Genthert-Giangiulio, a former Haverford commissioner who befriended the Cirillos in 1969. ''He was one of the guys that did all of the work—he didn't delegate much—and I think it's going to be a big loss.''

Mr. Cirillo's political opponents also acknowledged his contributions yesterday.

''I was impressed that his community involvement extended beyond just politics,'' said State Rep. Gregory S. Vitali (D., Delaware), acknowledging Cirillo's involvement at St. Denis Church.

Besides his wife, he is survived by a son, Joseph; daughters Theresa McLean, Susan Ferry and Cathy Koval; five grandchildren; and a brother, Vincent, of Philadelphia.

WOMEN'S HEALTH RESEARCH

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Ms. DELAURO. Mr. Speaker, I stand today to draw your attention to the critical need for Congressional commitment to support research for women's health research. As a survivor of ovarian cancer myself, and on behalf of the millions of women who suffer debilitating diseases, the advancement of women's health must be a national priority.

Historically, women's diseases have sat on the ''backburner'' of research agendas. But one hundred years ago when many women did not live through menopause, women were not represented in elected offices as they are now. Today, women are not only 12% of this House, but also 50% of the American workforce and the primary caregivers in our homes. Our daily health greatly affects the productivity of America and the quality of life for our children and families. We need to continue to fight aggressively to make women's health research a national priority.

Too many times, chronic health conditions affecting women have been labeled and dismissed as ''psychosomatic.'' Yet, we know through medical research that these ''women's conditions'' are real diseases with real biological causes. Chronic conditions are often associated with significant medical costs as patients and providers seek to identify the root of the problem, rule out other conditions, and find a satisfactory approach to managing and treating the illness.

The Friends of the National Institute of Nursing Research recently sponsored a briefing that I was pleased to support, ''Reaching Gender Equity in the 21st Century: A Renewed Focus on Women's Health.'' The briefing highlighted the need for increased research into chronic conditions that affect women and their productivity.

The briefing featured two chronic conditions that disproportionately affect women during their prime working years, irritable bowel syndrome (IBS) and migraine headaches. IBS is a common intestinal disorder characterized by recurring abdominal pain and abnormal bowel functions. IBS affects as many as 50 million Americans, predominately women, and is a leading cause of absenteeism at work.

Many successes have been achieved in medical research of women's health, for which I am personally grateful. All of us have benefited from the advances in medical research and the resulting technology. But it has been only in the last 10 years that women have been included in clinical trials. We have a long road ahead of us and many challenges to meet. We can not rest on the laurels of our past. Instead, we must dedicate ourselves to advancing our national women's health research agenda. I intend to do just that.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes:

Mr. BENTSEN. Mr. Chairman, I rise in reluctant support of the Fiscal Year 2000 Supplemental Bill, which provides over $9 billion in emergency funds for this year. This bill provides $5 billion for ongoing operations in Kosovo, $2.2 billion for natural disaster assistance, $2 billion additional funds for the Defense Department, and $1.7 billion in assistance to Colombia, Peru, and to fight narcotics traffickers.

While I support the Supplemental Appropriations bill, I have strong reservations about using this legislation as a vehicle to circumvent the regular appropriations process. Many initiatives and decisions contained in this bill should be part of the regular FY 2001 appropriation process rather than trying to slip under the past and current year spending levels. This bill reduces the non-Social Security budget surplus for this year by about 35%. Such efforts don't speak well for the often-stated Congressional pledges to pay down the debt. Too often under this GOP leadership, the term ''emergency'' is misunderstood and misused. This Emergency Supplemental request should not be an opportunity to evade spending caps for non-emergency items.

I supported the increases of the Lewis-Spence amendment, which would provide $4 billion in additional emergency funds, mostly targeted at maintaining critical need areas under the Department of Defense. While it would be preferable to consider this funding during the regular budget process, I believe the military has urgent needs in the areas specified by the amendment. Under the amendment, an additional $4 billion will be provided to fund the operations and training of currently deployed forces, as well as provide much-needed increases for the military health care program, personnel recruiting and retention, and improvements to military housing. However, this amendment underscores the fallacy of the Majority's FY 2001 Budget Resolution adopted last week.

The Supplemental Appropriations bill does include important funding for fighting the drug war in Colombia and providing the military with adequate funding levels to pay for rising fuel costs; health care and repairing damages to military facilities caused by recent hurricanes, floods and other natural disasters is understandable. These are truly unforseen costs.

I decided to support the Emergency Supplemental because the assistance package for Colombia is a vital priority and is clearly in our nation's fundamental interest. Colombia is the source of more than 80 percent of the cocaine and much of the heroin that enters the United States. In fact, Colombia produces 60 percent of the world's cocaine crop, an astonishing 90 percent of which makes its way to the U.S. The cost of illegal drugs to the U.S. is $110

billion a year, and the U.S. Drug Czar, Barry McCaffrey has reported that illegal drugs account for 114,000 American deaths a year. Assisting Colombia is clearly in the interest of our nation and especially in the interest of our nation's youth.

In 1999, Colombia's President Pastrana unveiled a proposal, known as Plan Colombia, to address the country's drug production and civil conflict. The Government of Colombia has estimated that $7.8 billion will needed over the next three years to reverse the country's role as the hemispheric center for drugs, rebuild its economy and bolster its democratic institutions.

But as we offer assistance to Colombia, it is important that we include tangible means for measuring the actions of the government-supported forces. We must ensure that the funds we provide to Colombia are utilized in a manner consistent with our national interest. That is why I supported the amendment offered by my colleague from Wisconsin, Mr. OBEY that would have delayed funding for military hardware and training contained in the Colombia assistance package until July 15, 2000. The amendment would have provided for immediate funding of all drug interdiction efforts under the Administration's plan, but with withheld military aid until sufficient review by Congress. The delay would have provided the Committee on Armed Services, the Committee on International Relations, and the Select Committee on Intelligence time to hold hearings about the conflict in Colombia and the need for this kind of hardware and training before the funds are appropriated.

I believe the funding contained in the aid package should not serve as a blank-check for the Colombian military to engage in actions that may violate human rights, including the killing of innocent civilians. It is important to remember that since 1987, it has been reported that more than 35,000 noncombatant civilians have been murdered or made to disappear by the Colombian security forces and their paramilitary allies. While President Pastrana has made important strides in restoring the rule of law and improving the human rights record of the military, the U.S. should act very carefully before appropriating funds to any army with such a decidedly bloody record.

I also believe this legislation should have included drug prevention measures to reduce the demand for illegal drugs in the United States. Such an effort must be part of a comprehensive U.S. anti-drug strategy. Indeed, I find it ironic that we're considering an emergency supplemental bill in the House of Representatives whose emergency status is in part due to the production of illegal drugs in Colombia, without one dollar in the bill being used for drug prevention in the U.S.

Illegal drugs are killing our kids at an alarming rate. In 1998, five million young people in this country required treatment for drug addiction, and nearly 600,000 required an emergency room visit. In the United States, there are 1.6 million drug-related arrests annually, and over half of our prison population committed drug-related crimes. Even more disturbing, while the average age for marijuana users in increasing, heroin abusers are getting younger. The cost of drug abuse to our society is estimated to be $110 billion per year, but it is much higher if measured in countless lives lost and young dreams broken. This problem, Mr. Chairman, is staggering. As such, I supported the motion to recommit the bill back to the Appropriations Committee with instructions that it be reported back to the full House with sufficient domestic drug prevention funding. While this effort failed, I hope the Administration and the Majority take important steps to address the demand side of the drug problem in this country. If we are to truly eradicate drugs from our streets, we must recognize that when there is a demand, there will always be a willing supplier.

Finally, Mr. Chairman, I sincerely hope that, should this bill progress, the leadership will pare back spending which is not truly emergency. Much of this bill can be considered under the regular appropriations process for FY 2001. We should be reticent to completely ignore spending caps for the current fiscal year as this bill does.

IN RECOGNITION OF THE 60TH BIRTHDAY OF NEAL TRAVIS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Neal Travis, one of New York's most celebrated newspaper columnists and writers, on the occasion of his 60th birthday.

Neal Travis' insightful analysis of the New York scene has educated and entertained those in the big apple for many, many years. His column in the New York Post, Neal Travis' New York, has covered all aspects of life and has attracted the attention of all segments of our society. His blend if wit, sarcasm, compassion and searing observations have inspired, motivated and always informed New Yorkers.

Born in New Zealand, Neal Travis emigrated to the United States in 1964 where he served as a foreign correspondent for Rupert Murdoch's News Corporation. He then rose quickly up the ladder and secured his own column in the New York Post. Some 15 years after its inception, Neal Travis' New York is more popular than ever.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in sending our warmest congratulations to Neal Travis on his 60th birthday. Life in New York will always be more significant and exciting because of his presence and his gift with the written word.

IN HONOR OF THE 65TH ANNIVERSARY OF THE BROOKLYN POLISH AMERICAN HOME, INC.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor and celebration of the 65th Anniversary of the Brooklyn Polish American Home, Inc.

Established in 1935 when South Brooklyn was a growing community full of various ethnic backgrounds, the community felt a cultural center should be established. This center would serve, not only as a meeting place for the entire community, but as an educational tool where people could visit and learn about their own heritage and the heritage of others. Thus, the Brooklyn Polish American Home was born. The Home's objective is to further not only Polish ideals, but the ideals of the entire community; in addition it serves as a civic, social, and recreational center.

With a goal of serving the community, and with generous donations from the entire area, a parcel of land was purchased on April 10, 1935. The Home serves not only as a meeting place, but as a builder of futures for young people. The Home managed to establish a Scholarship Trust Fund, awarding grants to high school graduating seniors entering college or any other approved higher education institution. The first grant was provided in 1971, and through 1999 a total of 81 individuals had received financial assistance, totaling over $32,200.

The Home has not been without hardships, though. Throughout the years, numerous renovations have been done to the Home. In the late 1980's, two fires caused substantial amounts of damage and had to be renovated again. As a result of the generosity and involvement of the entire Brooklyn community, sufficient funding was acquired making these extensive repairs possible. The fact that the House was able to overcome these challenges is a testament to the character, will and stamina of the community's residents.

My fellow colleagues, I ask you to join in honoring the 65th Anniversary of the Brooklyn Polish American Home.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Thursday, March 30, 2000, I was unable to cast my floor vote on rollcall numbers 89–95. The votes I missed include rollcall vote 89 on Agreeing to the Kasich Amendment; Rollcall vote 90 on Agreeing to the Weldon Amendment; rollcall vote 91 on Agreeing to the Stearns Amendment; roll call vote 92 on Agreeing to the Paul Amendment; rollcall vote 93 on Agreeing to the Tancredo Amendment; rollcall 94 on the Motion to Recommit with Instructions; and rollcall vote 95 on Passage of H.R. 3908, Making Emergency Supplemental Appropriations for F.Y. 2000.

Had I been present for the votes, I would have voted ''aye'' on roll call votes 90, 94 and 95. I would have voted ''nay'' on roll call votes 89, 91, 92, and 93.

BIRTHDAY TRIBUTE TO DEACON WILLIE MARTIN, SR.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a great honor to extend my heartfelt congratulations to Deacon Willie Martin Sr., as he celebrates his 100th birthday on April 8, 2000 in Pineland, South Carolina. Congressman JAMES E. CLYBURN, my distinguished colleague from the 6th District of South Carolina, joins me in this tribute.

Although our celebrant lives in South Carolina, he travels to Miami-Dade County to visit his daughter, Mrs. Rosanna McCormick, who has been a resident of the city of Opa-Locka since 1950. Deacon Martin's grandson, Freddie L. Judson (Rosa), also resides in Miami-Dade County. Accordingly, our centenarian is an ex-officio resident of the 17th Congressional District of Florida, and I am extremely delighted indeed to have the privilege of representing the members of his immediate family.

I take this opportunity to pay tribute to Deacon Martin for the exemplary life with which God saw fit to bountifully bless him. The hallmark of excellence that defined his life for a century truly evokes a magnificent longevity of service to others in his role as a deacon of Bethel Baptist Church in Pineland, South Carolina. Amidst the ever-enduring presence of God, our celebrant has touched people from all walks of life through his genuine consecration to both their social, moral and spiritual enhancement.

His charitable spirit deeply nurtured his home into an oasis of love and encouragement for his family and countless others who sought refuge and comfort within its sanctuary for so many years. Deacon Martin's centennial birthday is indeed a joyous occasion when his loved ones and friends can truly take comfort in giving testimony to his exemplary dedication to his Christian stewardship.

Buttressed by his faith and his willingness to serve others under the aegis of his church, God has truly seen fit to bless him with the longevity of an extraordinary life. The happy occasion on April 8, 2000 will eloquently symbolize a historic testimony of the respect and admiration he has forged in his community and church-family.

I wish him warmest congratulations on this magnificent milestone of his life!

HONORING JAMES H. ''JIM'' PATTERSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. RADANOVICH. Mr. Speaker, I rise to honor James H. Patterson—a devoted father, husband, friend and transportation industry leader—who passed away Saturday morning. Jim Patterson was 55 years old and resided in Blackhawk, CA, with his wife Theresa, son Jimmy and daughter Laura.

Before moving to California, Jim was born and raised in Portland, OR, and the proud son of Howard and Dorothy Patterson. Jim was with United Parcel Service since 1966 and was serving as vice president of Public Affairs for the Northwest Region upon his formal retirement in December. Jim had served in many positions during his tenure, including being one of the youngest regional managers in the history of the company.

Jim was truly a remarkable person. He had the respect of everyone that had the pleasure to work with him. Jim's keen insight and knowledge of the industry was unparalleled. His uncanny ability to assess complicated political situations and offer appropriate remedies was remarkable. And Jim's humor would disarm the fiercest of opponents and ultimately result in their affection and respect.

Jim's devotion to his friends and family was well known. Jim loved talking to people and getting to know people. In addition, he loved collecting cars and most of all—spending time with his two kids.

We offer our heartfelt condolences to all of Jim's family and especially to Theresa, Jimmy and Laura.

IN HONOR OF SAINT EDWARD HIGH SCHOOL WRESTLING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the members of the Year 2000 state champion Saint Edward High School wrestling team. Their four-year hold on Ohio high school wrestling's top honor shows no sign of weakening.

The Saint Edwards High School wrestling team, year in and year out, finds a way to keep their edge. This past month, the team won its fourth straight state championship, winning in resounding fashion. The Eagles' final tally of 186.5 points was nearly 100 points greater than the second place finishers. Five individual state champions set the tone for the Eagles' overwhelming dominance. Seniors Mason Lenhard and Mark Jayne each won their third titles. Jayne and senior Ryan Bertin both finished undefeated. Freshman Ryan Lang and senior Zak Schweda round out the Eagles' roster of title winners.

The 2000 Eagles squad fulfilled with ease the sort of expectations that any sporting dynasty raises. This year's state championship was the school's sixteenth all-time, a new state record. St. Edward's point total for the 2000 state tournament was the third highest in Ohio history. The Eagles' total of five individual state champions was one short of the all-time state record. The journey to Columbus was a difficult one: the Eagles grappled through what was widely recognized as the toughest schedule in school history. Taking on the best teams from across the nation, the Eagles were undefeated, finishing 14 and 0.

The 2000 Saint Edward wrestling team was, in a way, all about the journey. As Coach Gregg Urbas commented, ''What we have is a room full of the hardest working kids you'll ever see, and they are very coachable. They all love this sport. Their work ethic is contagious. Those qualities will take you a long way in this sport. All of our 16 state championship teams were a little different. This team is loaded with wrestlers who kept improving week by week.''

Saint Edward's dominance doesn't end at the state level. Two Eagles recently played pivotal roles in Ohio's state team's winning the national championship. Mason Lenhard and Ryan Bertin both won national titles in setting the pace for a ''buckeye smackdown'' at Duquesne University in Pittsburgh, Pennsylvania.

My fellow Members of Congress, join me in congratulating the 2000 state champion Saint Edward wrestling team. The Eagle grapplers do honor to my district, to my state, to their school, and to their sport. Their recent success at both the state and national levels is a deserved reward for many days' hard work done well and done right.

TRIBUTE TO RETIRING WAYNESVILLE SCHOOL DISTRICT SUPERINTENDENT ERWIN MORRISS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career is nearing an end. Mr. Erwin Morriss, of Waynesville, Missouri, is retiring after 39 years in the education profession.

Mr. Morriss began his career in 1961 as a biology teacher and athletic coach at Jefferson City High School. In 1966, he became a teacher, coach and athletic director for Maryville schools. After that, he started his 31 years of service to the Waynesville School District as the Wood Junior High School Assistant Principal. Mr. Morriss moved to Waynesville High School in 1970 to be the Assistant Principal, and then served as the Principal for four years. He assumed the duties of Waynesville R–VI School District Assistant Superintendent in 1976 and was named Superintendent in 1991.

Mr. Morriss has earned numerous awards during his career. Most recently, he was a recipient of ''The Eddy Award'' presented by Governor Mel Carnahan for the school district's Governor's Choice Award. In 1997, he was a Pearce Award Nominee for the ''Outstanding Missouri School Administrator,'' South-Central District of the Missouri Association of School Administrators. Also in 1997, Mr. Morriss received the Department of the Army Commander's Award for Public Service for his meritorious service to the Fort Leonard Wood community and the education of military children. The Missouri State Teachers Association recognized him as Missouri's Administrator of the Year in 1990 and the Waynesville-St. Robert Chamber of Commerce named him as Citizen of the Year in 1987.

An active participant in his community, Mr. Morriss belongs to many civic and professional organizations. He is a member and former chairman of the Waynesville City Planning Commission, a member and past president of the Waynesville-St. Roberts Lions Club, as well as a member of the Waynesville-Fort Leonard Wood Armed Services Young Men's Christian Association, the United Methodist Church of Waynesville, Masonic Lodge No. 375, and the Association of the United States Army. Mr. Morriss also belongs to the American Association of School Administrators, the Missouri State Teachers Association, the Waynesville Community Teachers Association and the Phi Delta Kappa Education Honor Fraternity.

As he prepares to spend more time with his wife, Susan, his son, Michael, and his daughter, Lindy, I know all Members of Congress will join me in paying tribute to my friend Erwin Morriss and in wishing him the best in the days ahead.

CONGRATULATING THE PEOPLE OF TAIWAN FOR SUCCESSFUL CONCLUSION OF PRESIDENTIAL ELECTIONS AND REAFFIRMING UNITED STATES POLICY TOWARD TAIWAN AND PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise to support H. Con. Res. 292, Congratulating Taiwan on Its Recent Elections.

The government of Taiwan is a representative democracy. On March 18, 2000, the citizens of the Republic of China (ROC) on Taiwan exercised their right to vote and elected Mr. Chen Shui-bian as their new President and Ms. Annette Hsui-Lien Lu as the new Vice-President. The popular vote election was held in accordance with the ROC's Constitution and the people of Taiwan turned out in record numbers to vote. Over 82 percent of Taiwan's 15 million citizens voted, making it one of the highest turnouts ever.

Despite rhetoric and brinkmanship from the mainland, the people of Taiwan have clearly expressed their determination to build a free and democratic society. The U.S. should continue our strong support for Taiwan's security.

Taiwan is and continues to be a strong U.S. ally. The people of Taiwan have voted their conscience. Given the events that have happened over the past several years, it is in America's best interest to promote peace in the Taiwan Straits.

The people of Taiwan should be congratulated for the democratic outcome of its presidential election. In addition, I hope that all of my colleagues will join me in congratulating the people of Taiwan for their continuing efforts to develop and sustain a free, democratic society that not only respects human rights but embraces free markets as well.

This election again demonstrates that Taiwan is a vibrant democracy and I look forward to working with the new government of President-elect Chen Shui-bian on issues of mutual concern.

TRIBUTE TO MACON-BIBB COUNTY FIRE CHIEF JIMMY HINSON

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. CHAMBLISS. Mr. Speaker, today I want to recognize a great American and someone who has continuously served as Chief of the Macon-Bibb County Fire Department for the past 24 years, Jimmy Earl Hinson.

Chief Hinson began fighting fires in 1961, and, as Chief, he was instrumental in turning the Macon-Bibb County Fire Department into a Class One department. His leadership, integrity, and compassion are well known, and his retirement is a deep loss to our community.

We owe a tremendous debt of gratitude to Chief Hinson for his commitment and hard work, for putting his life on the line to protect and serve the people of Macon and Bibb County, and for being an exemplary model of strength and honor.

It is people like Chief Hinson who keep our families and neighborhoods safe, who work hard each and every day for our protection, and who teach us about the importance of fire safety to whom we owe our sincerest appreciation. I thank Chief Hinson and wish him all the best in his retirement.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Monday, April 3, 2000, and as a result, missed rollcall votes 96 and 97. Had I been present, I would have voted ''yes'' on rollcall vote 96 and ''present'' on rollcall vote 97.

CONGRATULATING LAMAR UNIVERSITY'S MENS BASKETBALL TEAM

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. LAMPSON. Mr. Speaker, I rise today to congratulate Lamar University's Mens Basketball team for their success this season and their return to the NCAA Tournament. Their return to March Madness took 17 years, but they made alumni like myself and fans of the basketball program proud.

This was Lamar's fifth trip to the tournament, and the first since the 1983 season. Lamar finished the season with a 15–16 record, and headed down the road to tournament competition with a victory at the CenturyTel Southland Basketball Classic. In their first game in the Classic, the No. 7 seeded Cardinals triumphed over the No. 2 seed Louisiana-Monroe with a 66–62 win. They then went on to win games against Southwest Texas and Northwestern State to capture the tournament.

Lamar had the unfortunate luck to draw the No. 1 team in the country, the Duke Blue Devils, as their first round opponent in the Big Dance. However, the underdogs from Texas put up a fight, and gave Duke a run for their money. Mike Dean, the first year Lamar coach, and the fans who made the trip could only be pleased with the grit and determination with which the team played.

Mr. Speaker, the members of the basketball team from my Alma Mater made me proud, and it is truly an honor to recognize them today. They have shown amazing effort and are an example of just how far dedication and hard work can get you. I offer my congratulations on an outstanding season, and I look forward to watching them succeed again next March.

HOMILY SUPPORTING CLEVELAND AREA HOSPITALS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. KUCINICH. Mr. Speaker, in Cleveland, Ohio we are battling to keep two area hospitals open. I insert for printing in the RECORD the following homily given by Rev. Dr. Joseph W. Skrha at Our Lady of Lourdes in Cleveland, Ohio on Sunday, March 12, 2000. This homily expresses the need for accessible healthcare for all citizens regardless of economic status, race, or religion.

Good morning:

Today is the first Sunday of Lent. Lent is a time in the Christian church during which it is suggested that we put aside activities that would distract us and to focus in on who Jesus was and is, for us, now.

Who was He?

What did He do?

What did He say?

How did He act?

To whom did He address himself?

How much suffering did this cause him?

Being rejected by the establishment, he suffered and suffered death. As we enter into his suffering, may we enter his victory and resurrection at Easter.

I wish to reflect the last sentence from today's Gospel: ''the kingdom of God is at hand, repent and believe in the Gospel''—believe in the Gospel. What is the Gospel? It is the good news that Jesus shared with his disciples and followers 2000 years ago. Did it have meaning for two sisters 116 years ago? Does it have meaning for us now? I believe it did, and still does. These words give us strength and meaning in this present age.

On July 17, 1884 two Franciscan Sisters arrived in Cleveland from Lafayette, Indiana with the clothes on their backs and two dollars between them. After arriving at the train station, they were met by a Franciscan Priest and escorted to a small house at the corner of Broadway and McBride, formerly occupied by the Poor Clare Sisters. In this building they were to establish St. Alexis Hospital. The area was rather poor with the majority of the residents being recently arrived immigrants from Central Europe.

To save money on soap, the Sisters mixed sand with the soapy waters when washing the floors.

Once they walked 7 miles to receive a monetary donation of $1.00 and they walked back in order to keep the one dollar bill intact.

At the celebration commemorating 25 years in 1909, the main speaker was Dr. George Crile who later on started up the Cleveland Clinic. He described the charity work done at St. Alexis Hospital. In its first year, 25 patients were cared for, all were charity cases. Up to 1909, 20,400 patients had been treated and of those, 15,021 were charity cases and only 1,003 had paid full rates. All creeds and nationalities were admitted on an equal basis. In 1902, of the 2,300 patients treated, Catholics accounted for less than one-fourth. The history of this hospital is rooted in charity care given to people of all races and all religious backgrounds.

In 1906, Dr. Crile performed the first human to human blood transfusion in the world. One of the Miller brothers who lived locally was dying because of a great loss of blood. With crude instruments, Dr. Crile did a direct transfusion from one brother to the other and a life was saved. It is ironic that the Cleveland Clinic which was founded by Dr. Crile wants to terminate the life blood of Saint Michael Hospital.

The Gospel is about what Jesus said and did. He spent his time with the poor, ministering to their needs. Saint Michael Hospital has a history of 116 years healing the sick, primarily the poor and rejected.

Jesus restored sight to the blind. How many patients have had their sight restored with the many cataract operations. Jesus raised persons from the dead. How many times have patients been resuscitated from the dead when their heart stopped beating and have been brought back to life. Being close to the hospital is an important factor in these situations.

Jesus healed leprosy, an infection. How many times have patients had their severe infections treated at Saint Michael. Jesus reconciled many in healing their broken relationship with their God. How many times have patients of different faiths been reconciled with their God through the presence of a full-time, 24 hours a day, seven days a week Pastoral Care Department.

The Sisters have maintained the Catholic presence during these years. PHS committed itself in 1994 to maintain this same presence and in 1998 the Bishop of Cleveland proclaimed Saint Michael a Catholic hospital even though it was a for-profit hospital run by lay men.

Jesus ran into opposition from the Scribes and Pharisees because of his commitment to the poor, alienated and ill of varied cultures. This caused Him much suffering. The Pharisees wore fancy robes, wanted the best seats at banquets and always wanted to be above the rest of the people. We have a wealthy hospital who calls itself world class, who wishes to express its power to control healthcare in Cleveland, causing us much suffering because it wishes to eliminate us and leave this community without a hospital.

Lent did not begin for this community on Ash Wednesday. It began last Monday, March 6, 2000 when it was announced that a wealthy hospital was buying and closing us down. Those who attended the rally at Our Lady of Lourdes last Monday, those continuing their efforts to resist closure, namely political leaders, the clergy who support the people with their presence—all of these are living out the Gospel, living out the words and deeds of Jesus, are suffering with Jesus as he suffered.

I wish to close by reading a passage from the 25th chapter from the Gospel of Matthew: ''For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me, naked and you clothed me. I was ill and you comforted and healed me, in prison and you came to visit me.'' Then they will ask him, ''Lord when did we see you hungry and feed you, or see you thirsty and give you drink?'' ''When did we welcome you away from home or clothe you in your nakedness?'' ''When did we visit you when you were ill or in prison?'' He will answer: ''I assure you, as often as you did it for my least sisters or brothers, you did it for me.''

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 96 and rollcall No. 97, I was unavoidably away on official business. Had I been present, I would have voted ''yes'' on both.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Ms. ESHOO. Mr. Speaker, on April 3, 2000, I was unable to be in Washington and, consequently, missed two votes.

Had I been present, I would have voted ''aye'' on rollcall No. 96 and ''aye'' on rollcall No. 97.

PERSONAL EXPLANATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. MORAN of Virginia. Mr. Speaker, on rollcall Numbers 96 and 97, I was unavoidably detained in my Congressional district. Had I been present, I would have voted ''aye'' on both measures.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2053–S2144

Measures Introduced: Sixteen bills and one resolution were introduced, as follows: S. 2341–2356, and S. Con. Res. 102. **Pages S2106–07**

Measures Reported: Reports were made as follows:

S. 1752, to reauthorize and amend the Coastal Barrier Resources Act, with amendments. (S. Rept. No. 106–252)

S. 2346, to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent and 28-percent rate brackets, and earned income credit. (S. Rept. No. 106–253)

Report to accompany S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims. (S. Rept. No. 106–254) **Page S2106**

Measures Passed:

Tribal Self-Governance Amendments: Senate passed H.R. 1167, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, after striking all after the enacting clause and inserting in lieu thereof the text of S. 979, Senate companion measure, as amended, and after agreeing to the following amendment proposed thereto: **Pages S2131–38**

Kyl (for Campbell) Amendment No. 2922, in the nature of a substitute. **Page S2137**

Senate insisted on its amendment, and requested a conference with the House thereon. **Page S2138**

Subsequently, S. 979 was placed back on the Senate calendar. **Page S2138**

Congressional Budget Resolution: Senate began consideration of S. Con. Res. 101, setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000, taking action on the following amendments proposed thereto: **Pages S2053–66, S2069–81, S2083–97**

Pending:

Hutchison/Ashcroft Amendment No. 2914, to express the sense of the Senate to provide for relief from the marriage penalty tax. **Pages S2085–97**

Robb Amendment No. 2915 (to Amendment No. 2914), to condition Senate consideration of any tax cut reconciliation legislation on previous enactment of legislation to provide an outpatient prescription drug benefit under the Medicare program that is consistent with Medicare reform. **Pages S2087–97**

A unanimous-consent-time agreement was reached providing for further consideration of the resolution on Wednesday, April 5, 2000, with votes to occur on the pending amendments (listed above) beginning at 11:00 a.m. **Page S2085**

Appointments:

Coordinating Council on Juvenile Justice and Delinquency Prevention: The Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, announced the reappointment of the following individuals to serve as members of the Coordinating Council on Juvenile Justice and Delinquency Prevention: Michael W. McPhail, of Mississippi, to a one-year term; Dr. Larry K. Brendtro, of South Dakota, to a two-year term; and Charles Sims, of Mississippi, to a three-year term. **Page S2131**

Joint Congressional Committee on Inaugural Ceremonies: The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 89 (106th Congress), appointed the following Senators to the Joint Congressional Committee on Inaugural Ceremonies; Senators Lott, McConnell, and Dodd. **Page S2131**

Congressional Award Board: The Chair, on behalf of the Majority Leader, pursuant to Public Law 96–114, as amended, announced the appointment of the following individuals to the Congressional Award Board: Elaine L. Chao, of Kentucky; and Linda Mitchell, of Mississippi. **Page S2131**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the report of the Corporation for Public Broadcasting for the period January 31, 1998 to January 31, 1999; to the Committee on Commerce, Science, and Transportation. (PM–98) **Page S2105**

Nominations Received: Senate received the following nominations:

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Robert B. Rogers, of Missouri, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2001.

Carol W. Kinsley, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year. (New Position)

Jane Lubchenco, of Oregon, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006. (Reappointment)

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006. (Reappointment)

1 Air Force nomination in the rank of general.

10 Marine Corps nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S2142–44**

Messages From the President: **Page S2105**

Messages From the House: **Page S2105**

Measures Referred: **Page S2105**

Measures Placed on Calendar: **Page S2105**

Communications: **Pages S2105–06**

Statements on Introduced Bills: **Pages S2107–17**

Additional Cosponsors: **Pages S2117–19**

Amendments Submitted: **Pages S2120–30**

Notices of Hearings: **Page S2130**

Authority for Committees: **Pages S2130–31**

Additional Statements: **Pages S2100–05**

Privileges of the Floor: **Page S2131**

Adjournment: Senate convened at 9:32 a.m., and adjourned at 6:56 p.m., until 9:30 a.m., on Wednesday, April 5, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2138.)

Committee Meetings

(Committees not listed did not meet)

CHECHNYA/RUSSIA AID PROGRAMS

Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings on Chechnya, Russia and U.S. Policy and aid programs, after receiving testimony from Strobe Talbott, Deputy Secretary of State; Doug Ford, Physicians for Human Rights, Washington, D.C.; and Natalie Ernoult, Action Against Hunger, France.

APPROPRIATIONS—INDIAN PROGRAMS

Committee on Appropriations: Subcommittee on Interior concluded hearings on proposed budget estimates for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee for American Indians, Department of the Interior, after receiving testimony from Kevin Gover, Assistant Secretary for Indian Affairs, and Thomas Thompson, Principle Deputy Special Trustee for American Indians, both of the Department of the Interior.

DRIVER'S PRIVACY PROTECTION ACT

Committee on Appropriations: Subcommittee on Transportation concluded hearings to examine the implementation of the Driver's Privacy Protection Act of 1994, focusing on the positive notification requirement provisions, after receiving testimony from Roger D. Cross, Wisconsin Division of Motor Vehicles, Madison, on behalf of the American Association of Motor Vehicle Administrators; Anne S. Ferro, Maryland Motor Vehicle Administration, Glen Burnie; Phyllis Schlafly, Eagle Forum, Edmund Mierzwinski, U.S. Public Interest Research Group, and Gregory T. Nojeim, American Civil Liberties Union, all of Washington, D.C.; Susan Herman, National Center for Victims of Crime, Arlington, Virginia; and Larry G. Majerus, Polk Company, Southfield, Michigan.

APPROPRIATIONS—TREASURY

Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings on proposed budget estimates for fiscal year 2001 for the Department of the Treasury, after receiving testimony from Lawrence H. Summers, Secretary of the Treasury.

ANDEAN RIDGE COUNTER-NARCOTIC ACTIVITIES

Committee on Armed Services: Committee concluded hearings on United States support for counter-narcotics activities in the Andean Ridge and neighboring countries, and the impact of narco-trafficking

on the stability of the region, after receiving testimony from Brian E. Sheridan, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; Gen. Charles E. Wilhelm, USMC, Commander In Chief, United States Southern Command; Rand Beers, Assistant Secretary for Bureau for International Narcotics and Law Enforcement Affairs, and Peter F. Romero, Acting Assistant Secretary for Western Hemisphere Affairs, both of the Department of State; Luis Alberto Moreno, Ambassador of the Republic of Colombia to the United States; and Guillermo A. Ford, Ambassador of the Republic of Panama to the United States.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on joint requirements, capabilities, and experimentation, after receiving testimony from Gen. Richard B. Myers, USAF, Vice Chairman of the Joint Chiefs of Staff; and Adm. Harold W. Gehman, Jr., USN, Commander In Chief, Unites Stated Joint Forces Command.

EXPORT ADMINISTRATION ACT

Committee on Commerce, Science, and Transportation: Committee held hearings on certain provisions of S. 1712, to provide authority to control exports, receiving testimony from Senators Enzi and Thompson; James M. Bodner, Principal Deputy Under Secretary of Defense for Policy; John D. Holum, Senior Adviser for Arms Control and International Security Affairs, Department of State; William A. Reinsch, Under Secretary of Commerce for Export Administration; John W. Douglass, Aerospace Industries Association, Washington, D.C.; and William Schneider, Jr., International Planning Services, Inc., Arlington, Virginia, former Under Secretary of State for Security Assistance, Science and Technology.

Hearings recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Donald Arthur Mahley, of Virginia, for the rank of Ambassador during his tenure of service as Special Negotiator for Chemical and Biological Arms Control Issues, and Gregory G. Govan, of Virginia, for the rank of Ambassador during his tenure of service as Chief U.S. Delegate to the Joint Consultative Group, both of the Department of State, after the nominees testified and answered questions in their own behalf.

INTERNATIONAL TRAFFICKING IN WOMEN AND CHILDREN

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine the international trafficking of women and children, focusing on prosecution, testimonies, and prevention issues, after receiving testimony from William R. Yeomans, Chief of Staff, Civil Rights Division, Department of Justice; Laura J. Lederer, Harvard University, Cambridge, Massachusetts, on behalf of the Protection Project; Lauran Bethel, New Life Center, Fresno, California; Virginia Coto, Florida Immigration Center, Miami; Natalia Khodyreva, Angel Coalition, Washington, D.C.; and certain anonymous witnesses.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again Thursday, April 6.

House of Representatives

Chamber Action

Bills Introduced: 18 public bills, H.R. 4161–4178; 1 private bill, H.R. 4179; and 2 resolutions, H. Res. 458–459, were introduced. **Pages H1762–64**

Reports Filed: Reports were filed today as follows:

H. Res. 457, providing for consideration of H.R. 3660, Partial-Birth Abortion Ban Act of 2000 (H. Rept. 106–559);

H.R. 2328, to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program, amended (Rept. 106–560);

H.R. 1775, to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, amended (H. Rept. 106–561); **Page H1762**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Richard Doerr of Carmel, Indiana. **Page H1680**

Recess: The House recessed at 9:57 a.m. and reconvened at 11:00 a.m. **Page H1680**

Private Calendar: On the call of the Private Calendar the House passed over without prejudice, S. 462, for the relief of Belinda McGregor. The House passed H.R. 758, for the relief of Nancy Wilson. And, the House passed H.R. 3903, to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code, after agreeing to the Sensenbrenner amendment in the nature of a substitute. Finally, the House agreed to amend the title of H.R. 3903.

Pages H1680–81

Organ Procurement and Transplantation: The House passed H.R. 2418, to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation by a yea and nay vote of 276 yeas to 147 nays, Roll No. 101. **Pages H1686–H1722**

Agreed to the Committee amendment in the nature of a substitute made in order by the rule.

Pages H1697–H1721

Agreed To:

DeGette amendment that directs the Network to recognize the differences in organ transplantation issues between children and adults and provides for a study dealing with immunosuppressive drugs that are provided to children (agreed to by a recorded vote of 420 ayes with none voting ''no'', Roll No. 99); **Pages H1700–01, H1711**

Barrett of Wisconsin amendment that authorizes grants to States and partnerships with other public agencies or private sector institutions to foster organ donor awareness, public education, outreach activities, and other innovative donation initiatives;

Pages H1712–16

Scarborough amendment that nullifies the final Health and Human Services rule relating to the Organ Procurement and Transplantation Network promulgated by the Secretary; **Pages H1716–21**

Rejected:

LaHood amendment that sought to subject the policies and rules established by the Network to review and approval by the Secretary of Health and Human Services; establish an advisory committee to provide recommendations to the Secretary on Network policies, rules, and other matters as appropriate; and specifies that all polices shall be based on sound medical principles and valid scientific data (rejected by a recorded vote of 160 ayes to 260 noes to 1 voting ''present'', Roll No. 98); and

Pages H1702–11

Luther amendment that sought to preempt any State or local law that would restrict the organ allocation policies of the Network (rejected by a recorded vote of 137 ayes to 284 noes, Roll No. 100);

Pages H1701–02, H1711–12

The Clerk was authorized to make technical and conforming changes in the engrossment of H.R. 2418. **Page H1722**

H. Res. 454, the rule that provided for consideration of the bill was agreed to by a voice vote.

Pages H1683–86

Presidential Message—Corporation for Public Broadcasting: Read a message from the President wherein he transmitted his report on the Corporation for Public Broadcasting; referred to the Committee on Commerce. **Page H1723**

Senate Messages: Message received from the Senate today appears on page H1677.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H1764–65.

Quorum Calls—Votes: One yea and nay vote and three recorded votes developed during the proceedings of the House today and appear on pages H1710, H1711, H1711–12, and H1722. There were no quorum calls.

Adjournment: The House met at 9:30 a.m. and adjourned at 9:46 p.m.

Committee Meetings

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on the Bureau of Reclamation. Testimony was heard from the following officials of the Department of the Interior: Bruce Babbitt, Secretary; and Eluid L. Martinez, Commissioner, Bureau of Reclamation.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held an oversight hearing on the Department of Energy—Energy Conservation Financial Management; and on Department of Energy Conservation. Testimony was heard from Paul Bostrom, National Academy of Public Administration; and Dan Reicher, Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on Institute of Museum and Library Services and National Education Goals Panel, and on public witnesses. Testimony was heard from Beverly Sheppard, Acting Director, Institute of Museum and

Library Services, National Foundation on the Arts and the Humanities; Ken Nelson, Executive Director, National Education Goals Panel; and public witnesses.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held an oversight hearing on Customs—Automated Commercial Environment, and the U.S. Postal Service. Testimony was heard from the following officials of the Department of the Treasury: Jim Flyzik, Deputy Assistant Secretary, Information Systems; John Simpson, Deputy Assistant Secretary, Tariffs and Trade; and S.W. Hall, Assistant Commissioner, U.S. Customs Service, Office of Information Technology; and William J. Henderson, Postmaster General, U.S. Postal Service; and public witnesses.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on the National Science Foundation. Testimony was heard from the following officials of the NSF: Rita R. Colwell, Director; and Eamon Kelly, Chairman, National Science Board.

MODERNIZING ERISA/PROMOTE SECURITY

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on Modernizing ERISA to Promote Security. Testimony was heard from Leslie Kramerich, Acting Assistant Secretary, Pension and Welfare Benefits, Department of Labor; and David M. Strauss, Executive Director, Pension Benefit Guaranty Corporation.

CORPORATION FOR NATIONAL SERVICE FISCAL YEAR 1999 AUDIT

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations, held a hearing on Fiscal Year 1999 Audit of the Corporation for National Service. Testimony was heard from the following officials of the Corporation for National Service: Luise S. Jordan, Inspector General; and Robert Rogers, Chairman of the Board; and a public witness.

CRIMINAL JUSTICE SYSTEM DRUG TREATMENT OPTIONS

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on Drug Treatment Options within the Criminal Justice System. Testimony was heard from Charles J. Hynes, District Attorney, Kings County, State of New York; and public witnesses.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION REAUTHORIZATION

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on reauthorization of the National Historical Publications and Records Commission for Fiscal Years 2002–2005. Testimony was heard from Representative Blunt; the following officials of the National Archives and Records Administration: John W. Carlin, Archivist of the United States; and Ann Clifford Newhall, Executive Director, National Historical Publications and Records Commission; and public witnesses.

EXPORT ADMINISTRATION ACT FUTURE

Committee on International Relations: Subcommittee on International Economic Policy and Trade concluded hearings on the Future of the Export Administration Act, Part 2. Testimony was heard from Roger Majak, Assistant Secretary, Export Administration, Department of Commerce.

VISA WAIVER PERMANENT PROGRAM ACT; TRAFFICKING VICTIMS PROTECTION ACT

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 3767, Visa Waiver Permanent Program Act; and H.R. 3244, Trafficking Victims Protection Act of 1999.

MISCELLANEOUS MEASURES

Committee on Resources: Held a hearing on the following bills: H.R. 3291, Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act; and H.R. 3468, Duchesne City Water Rights Conveyance Act. Testimony was heard from David J. Hayes, Deputy Secretary, Department of the Interior; the following officials of the State of Utah: Daniel D. McArthur, Mayor, St. George City; P. Kim Hamlin, Mayor and Paul L. Tanner, City Councilman, both from Duchesne; and public witnesses.

OVERSIGHT—NEW FOREST RULES EFFECT ON NATIONAL RECREATION

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on the Effect of the New Forest Rules on National Recreation. Testimony was heard from Dennis Bschor, Director, Recreation, Forest Service, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, and Public Lands held a hearing on the following bills: H.R. 2249, Corinth Battlefield Preservation Act of 1999; H.R. 2773, Wekiva Wild and

Scenic River Act of 1999; and H.R. 2833, Yuma Crossing National Heritage Area Act of 1999. Testimony was heard from Representatives Wicker, McCollum and Pastor; Terrel Emmons, Associate Director, Professional Services, National Park Service, Department of the Interior; Fran P. Mainella, Director, Division of Recreation and Parks, Department of Environmental Protection, State of Florida; Marilyn R. Young, Mayor, Yuma, Arizona; and public witnesses.

PARTIAL-BIRTH ABORTION BAN ACT

Committee on Rules: Granted, by voice vote, a closed rule providing two hours of debate on H.R. 3660, Partial-Birth Abortion Ban Act of 2000. The rule provides one motion to recommit. The rule provides that after passage of H.R. 3660, it shall be in order to take from the Speaker's table S. 1692, consider it in the House, and to move to strike all after the enacting clause and insert the text of H.R. 3660 as passed by the House. The rule waives all points of order against the motion to strike and insert. Finally, the rule provides that if the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment and request a conference. Testimony was heard from Representatives Canady of Florida, Johnson of Connecticut, Kolbe, Conyers, Frank of Massachusetts, Jackson-Lee of Texas, Hoyer, Wise, Edwards and Tauscher.

UNAUTHORIZED DISCLOSURES: POSSIBLE SOLUTIONS

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Unauthorized Disclosures of Classified Information: Possible Solutions. Testimony was heard from departmental witnesses.

Joint Meetings

OSCE MEDIA FREEDOM

Commission on Security and Cooperation in Europe (Helsinki): Commission concluded hearings on the deteriorating freedom of media and speech in Organization for Security and Cooperation in Europe (OSCE) countries, focusing on the implementation of the OSCE Representative on Freedom of the Media, after receiving testimony from David W. Yang, Senior Coordinator for Democracy Promotion, Bureau of Democracy, Human Rights and Labor, Department of State; Freimut Duve, OSCE Representative on Freedom of the Media, Vienna, Austria; Tom Dine, Radio Free Europe/Radio Liberty, and Linda K. Foley, Newspaper Guild-Communications Workers of America, on behalf of the International Federation of Journalists, both of Washington, D.C.; Emma E.D. Gray, Committee to Protect Journalists, New York, New York; and Marilyn Greene, World Press Freedom Committee, Reston, Virginia.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 5, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior, 9:30 a.m., SD–124.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 9:30 a.m., SD–366.

Full Committee, to hold hearings to examine the energy potential of the 1002 area of the Arctic Coastal Plain; the role this energy could play in National security; the role this energy could play in reducing U.S. dependency on imported oil; and S. 2214, to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, 10 a.m., SD–366.

Committee on Finance: to hold hearings on the pattern of improper payments in the school Medicaid program, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on International Operations, to hold hearings on United Nations peace keeping missions and their proliferation, 9:30 a.m., SD–419.

Full Committee, to hold hearings on legacies of the Holocaust, 2 p.m., SD–419.

Committee on Indian Affairs: business meeting to consider the nomination of Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior; to be followed by hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, 9:30 a.m., SR–485.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to resume oversight hearings on the handling of the investigation of Peter Lee, focusing on the plea-bargain agreement reached in the case, 9:30 a.m., SH–216.

Committee on Rules and Administration: to hold hearings to examine activities of political parties in America, 9:30 a.m., SR–301.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State, and Judiciary, on U.S. Trade Representative, 10 a.m., H–309 Capitol.

Subcommittee on Interior, oversight on Everglades, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on public witnesses, 10 a.m. and 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on Department of Veterans Affairs, 9:30 a.m. and 1:30 p.m., 2359 Rayburn.

Committee on Commerce, Subcommittee on Energy and Power, hearing on H.R. 2641, to make technical corrections to title X of the Energy Policy Act of 1992; to be followed by a hearing on H.R. 380, National Oilheat Research Alliance Act of 1999, 10 a.m., 2322 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 4141, Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act, 1 p.m., 2175 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Rulemaking at the U.S. Department of Labor: OSHA's Employee Work at Home Policy, 10 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on the Census, oversight hearing of the 2000 Census: Mail-back Response Rates and Status of Key Operations, 2 p.m., 2247 Rayburn.

Subcommittee on Government Management, Information, and Technology, to mark up the following: H.R. 1625, Human Rights Information Act; H.R. 4110, to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005; H. Res. 15, expressing the sense of the House of Representatives regarding Government procurement access for women-owned businesses; H.R. 3582, Federal Contractor Flexibility Act; and a concurrent resolution on the year 2000 computer problem, 2 p.m., 2154 Rayburn.

Committee on International Relations, hearing on Haiti: Prospects for Free and Fair Elections, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up H.R. 3125, Internet Gambling Prohibition Act of 1999, 10:15 a.m., 2141 Rayburn.

Committee on Resources, to mark up the following: S. 406, Alaska Native and American Indian Direct Reimbursement Act; H. Res. 443, expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa; H.R. 1509, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; H.R. 2647, to amend the Act entitled ''An Act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights; H.R. 2932, Golden Spike/Crossroads of the West National Heritage Area Act; H.R. 2958, to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska; H.R. 3182, Craig Municipal Equity Act; H.R. 3577, to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; H.R. 3605, San Rafael Western Legacy District and National Conservation Act; H.R. 3919, Coral Reef Conservation and Restoration Partnership Act; H.R. 4021, Giant Sequoia Groves Protection and Management Act, 11 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 1776, American Homeownership and Economic Opportunity Act, 2 p.m., H–313 Capitol.

Committee on Small Business, hearing on Cash versus Accrual: The Policy Implications of the Growing Inability of Small Businesses to Use Simple Tax Accounting, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, to mark up the following: H.R. 673, Florida Keys Water Quality Improvements Act of 1999; H.R. 855, Long Island Sound Preservation and Protection Act; H.R. 1106, Alternative Water Sources Act of 1999; H.R. 1237, to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program; H.R. 2957, Lake Pontchartrain Basin Protection Act of 1999; H.R. 3313, Long Island Sound Restoration Act; and other pending business, 11:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on VA Capital Asset Planning, 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up H.R. 4163, Taxpayer Bill of Rights 2000, 1:30 p.m., 1100 Longworth.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, April 5

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. Con. Res. 101, Congressional Budget, with votes to occur on certain pending amendments beginning at 11 a.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, April 5

House Chamber

Program for Wednesday: Consideration of H.R. 3660, Partial-Birth Abortion Ban Act (closed rule, two hours of debate); and

Consideration of H.R. 3671, Wildlife and Sport Fish restoration Programs Improvement Act (open rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

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