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House of Representatives

The House met at 10 a.m.

Rabbi Jacob J. Schachter, the Jewish Center, New York, New York, offered the following prayer:

Almighty God, we express our deep gratitude to You for the gift that is the United States of America. Like millions of others in this exceptional land, all four of my grandparents came to these blessed shores from countries far away to create a better life for themselves and their families. Like millions of others, my father served in the armed forces of this wonderful country and fought to make the world safe for democracy and human freedom. Help us, O Lord, to continue to make these United States a center for justice and decency, integrity and opportunity.

Our country is blessed with unprecedented power, plenty and prosperity. Grant us the wisdom, O Gracious God, to appreciate these gifts and use them wisely for the benefit of all who live in our midst and to ensure that peace and security reign in this great Nation and throughout the entire world.

THE JOURNAL

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

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

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

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

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

Mr. MCNULTY. 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. 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 365, nays 49, answered ''present'' 1, not voting 19, as follows:

[Roll No. 123]

YEAS—365

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
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
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

Weldon (FL)	Whitfield	Woolsey
Weldon (PA)	Wilson	Young (FL)
Wexler	Wise	
Weygand	Wolf	

NAYS—49

Aderholt	Hefley	Riley
Baird	Hill (MT)	Rogan
Bilbray	Hilliard	Sabo
Bonior	Hooley	Schaffer
Brady (PA)	Hulshof	Stenholm
Brown (OH)	Johnson, E. B.	Strickland
Clyburn	Lewis (GA)	Stupak
Costello	LoBiondo	Taylor (MS)
Crane	McDermott	Thompson (CA)
DeFazio	McNulty	Thompson (MS)
Dickey	Moore	Udall (NM)
English	Oberstar	Visclosky
Etheridge	Pallone	Waters
Filner	Peterson (MN)	Wicker
Gutierrez	Phelps	Wu
Gutknecht	Pickett	
Hastings (FL)	Ramstad	

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—19

Borski	Herger	Stark
Clay	Houghton	Stearns
Combest	Larson	Weller
Cook	Martinez	Wynn
Fattah	Myrick	Young (AK)
Forbes	Oxley	
Hall (OH)	Sanchez	

□ 1026

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON. Mr. Speaker, on rollcall No. 123, I was out of the building on legislative matters. Had I been present, I would have voted "yea."

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 123 on April 13, 2000, I was unavoidably detained. Had I been present, I would have voted "yea."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. PEASE). Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H. Con. Res. 278. Concurrent resolution authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service.

H. Con. Res. 279. Concurrent resolution authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress.

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.

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

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S.J. Res. 40. Joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 41. Joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. Joint resolution providing for the appointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair advises the Members that it will entertain one 1-minute request only from the gentleman from New York (Mr. NADLER). All other 1-minute requests will be postponed until the end of the day.

HONORING RABBI JACOB J. SCHACHTER

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

Mr. NADLER. Mr. Speaker, I rise today to honor this morning's guest chaplain, Rabbi Jacob J. Schachter of the Jewish Center in New York City whom I have known for almost 20 years.

Rabbi Schachter has been the spiritual leader of the Jewish Center since 1981. Under his leadership the Jewish Center has tripled in its membership. Rabbi Schachter has brought enthusiasm for Jewish life to the synagogue and to the local community throughout his tenure.

Rabbi Schachter received Rabbinic ordination from Mesvita Torah Vodaas and holds a Ph.D. in Near East languages from Harvard University. Among his many accomplishments, Rabbi Schachter is an accomplished author, having collaborated on ''A Modern Heretic and a Traditional Community, Orthodoxy, and Americana Judaism'' and is the founding editor of the Torah u-Madda Journal. He is also the founding president of the Council of Orthodox Jewish Organizations of Manhattan, is a much sought after speaker on interdenominational dialogue under the auspices of the Jewish Community Center and the 92nd Street Y, and is a member of the Board of Governors of the New York Board of Rabbis.

Unfortunately, Rabbi Schachter will soon be leaving the Jewish Center to become the dean of the Rabbi Joseph Soloveitchik Institute in Brookline, Massachusetts, where his daily insights, wisdom and leadership will be invaluable to the State of Massachusetts and to the Jewish community, especially in Massachusetts. I want to wish him well in his new endeavors and thank him for all that he has done for the Jewish Center, for the Jewish community, and for the entire community in New York over the last 20 years.

□ 1030

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 290, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 474

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by chairman and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

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

Mr. Speaker, H. Res. 474 is a straightforward typical rule providing for the consideration of the annual budget resolution conference report. The rule waives all points of order against the conference report and against its consideration and provides that the conference report be considered as read. The rule further provides for 1 hour of debate, equally divided and controlled between the chairman and ranking member of the Committee on the Budget.

The two Chambers have come to a speedy agreement on the fiscal year 2001 budget resolution, sorting out differences between the Houses in a responsible manner. I am pleased to note that the conference report to be considered today adheres to the six major principles that we outlined when this process began, including continuing our historic achievement of paying down the national debt, protecting 100 percent of the Social Security trust fund, boosting our national defense, providing for prescription drug coverage and Medicare reform, offering tax relief, and supporting our localities in the all-important arena of education of our youth.

In each of these areas, the budget package we have before us today keeps the faith with our pledge to the American people. We are delivering on our promise to make the government work better for taxpayers, while managing this extraordinarily blue sky fiscal period in a very responsible manner.

In this budget we are reaffirming our commitment to maintaining fiscal discipline, something that can prove even harder to do when times are good than when times are bad. Yet, in this budget we have provided for $1 trillion, $1 trillion, in payment on the national debt. That is something that we are doing that will benefit every American today and, of course, all of our children and grandchildren for years to come.

$1 trillion in debt reduction. That is a concept that was totally unimaginable for most of us just a few short years ago when deficits were soaring and the debt was mounting at a terrifying pace. What a long way we have come.

Mr. Speaker, this budget document outlines an important set of priorities that highlight preservation of the programs Americans count on most; reinforcement of our ability to defend the national security in today's ever more dangerous world and the necessity of enhancing tax fairness for families and businesses.

I would like to emphasize the importance of the defense and security component of this budget which would, of course, include intelligence. Last night in the Committee on Rules, we discussed the significance of the investment this budget makes in our defense, not for fancy or high-priced or untested projects, but rather for the core capabilities that have been so underfunded and so severely tested in recent years.

I applaud those who fought for and won the increase in funding, and I stand ready to work to make sure we put those resources where they will matter the most in our personnel, in our readiness, in our basic equipment, in our eyes and ears, that is our intelligence, and in our training to make sure our military folks are the best trained in the world and can take the best possible care of themselves.

Unlike the budget presented to us by the President, we have here today a budget that realistically meets the needs and the challenges of the coming year, without returning to the bad old days of spending for today without any eye to the future at all.

I am proud of our Committee on the Budget Members and the leadership for their efforts in this budget blueprint. Specifically I would like to thank the gentleman from Ohio (Mr. KASICH), our courageous Committee on the Budget chairman, for all his work, not just this year, but throughout his distinguished tenure in the House. I know there will be many accolades to come for the gentleman from Ohio (Chairman KASICH), as this is the final act of his official House budget career, all of them well deserved.

Mr. Speaker, I hope my colleagues will join me in voting for this budget, and, in the meantime supporting this fair and appropriate rule, so we can get to the debate.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, I rise in opposition to the rule because I oppose the hasty process that this rule embraces. This resolution waives the rule that requires the availability of conference reports for 3 days before their consideration. This House rule, an important rule, allows Members time to read and study the report before they cast their votes. Since this conference report has been available to most Members for less than 12 hours, I have grave doubts that most Members have any real knowledge of about what it includes.

From what I can tell, the conference report once again repeats the follies of the leadership's continued obsession with large tax cuts. It does little to extend the solvency of Social Security or Medicare and cuts funding for critical education and housing programs.

I wish my colleagues would drop the charade and reflect for a moment. These surpluses on our horizon, if they materialize, offer an extraordinary opportunity. They allow us to pay down the large public debt, thereby providing the ultimate tax cut for our constituents in the form of lower interest rates.

The surpluses allow us to make Social Security and Medicare sound and solvent for future generations. They mean that we can close the gaping hole in the Medicare coverage and provide a true prescription drug benefit. They make it possible for us to do more for education at all levels. But this document squanders that opportunity and instead we continue to pass billion dollar tax breaks for wealthy special interests.

The conference agreement suffers from the same fundamental flaws as the House-passed resolution. The $170 billion tax cut is so large that it pushes aside Social Security and Medicare solvency, debt reduction, education, and all other national priorities.

The conference agreement is a political gesture, rather than a credible budget plan that would provide a meaningful guide for subsequent budget legislation. The spending cuts are so deep and unrealistic and the tax cuts so large that the resolution puts us on a track for another appropriations train wreck in September.

Like the House-passed resolution, the conference agreement puts the budget on course to spend the Social Security surplus. Even taking at face value this budget's implausible cuts in non-defense programs, it skates along the edge of on-budget deficits for the first 5 years and invades the Social Security surplus after 2008, if not sooner.

Moreover, the conference report puts funds for education and training on hold. In 2001, the conference agreement provides $4.8 billion less than the Democratic alternative budget, and $4.7 billion less than the President's budget for appropriations for education, training, and social services. This low funding level will require the majority to cut current education programs or to eliminate the President's proposals to renovate the crumbling schools, to hire and train more teachers, to add $1 billion to Head Start and to double the amount for after-school programs. Outlays for 2001 actually are $400 million below a freeze at last year's level.

Mr. Speaker, I would also like to focus for a moment on how the measure came up short on Medicare prescription drugs. The conference agreement allows a prescription drug benefit of up to $40 billion over 5 years, but only if accompanied by unspecified Medicare reforms. By contrast, the Democratic alternative budget required that a full $40 billion be devoted to a prescription drug benefit, with or without other changes in Medicare.

In both 1998 and 1999, the American people rejected these same unrealistic cuts in essential Federal spending and excessive tax cuts. Why on Earth would anyone believe that the American people will suddenly change their minds and reject essential government services like Social Security and Medicare in favor of tax cuts?

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

Mr. GOSS. Mr. Speaker, I am privileged to yield 3 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, my friend and colleague.

Mr. SHUSTER. Mr. Speaker, if you care about building America, this is a rule and budget resolution that one can support. In fact, it is one of the best budget resolutions that we have seen in many a day.

I want to commend the leadership of the Committees on the Budget of both the House and Senate for honoring their commitments to fully fund transportation. The conference report allocates sufficient transportation function funds so that we can fully fund TEA 21, the highway and transit legislation, including the adjustments resulting from the increased revenues going into the gas tax collections into the Highway Trust Fund.

It also fully funds AIR 21 capital programs and it fully funds the President's request for FAA operations, which is at the full AIR 21 level. In addition, there are no cuts in Coast Guard or in Amtrak, despite the predictions of the critics during our debate and consideration over AIR 21. So

those predictions simply have not come to pass in this budget resolution.

The conference report keeps faith with the American people. The taxes collected for highways and transit improvements will go into the Highway Trust Fund for highway and transit improvements. The taxes collected for aviation will go to aviation improvements. Gone are the days of using trust funds to mask the size of the deficit.

The budget resolution restores honesty to the budget process. This is a budget resolution which we can be proud to support, because it is a budget resolution which helps build America.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

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

Mr. Speaker, this is another rule that was passed late at night to bring to the floor a conference report that, in all due respect, does not deserve the name. It is hard to call this a conference report when nobody has conferred. We have had no consultation. There is no mutuality in the process, so it is not hard to believe that there will be no mutuality, no common ground, in the final result.

I am not just saying this because I am miffed at being left out of the process. If you cannot take rejection, you better not be in politics. But we set a model 3 years ago for how to do this. We sat down and tried to negotiate a common agreement, given the fact that we have a divided government, and, when we got to the end, it was a pretty good product. We called it the Balanced Budget Agreement of 1997. We have not had such mutuality, such collegiality, since, and certainly not in this result here.

As I said, I am not miffed, but we have meritorious arguments to make. We made them on the House floor, we made them in the committee markup. I am not sure they were heard in either place, but if we could have made them in conference, I think we could have improved this product, because in conference if we had had a conference, we would have said you are asking for $121.5 billion now in real reduction and budget authority for non-defense programs over the next 5 years. Is this realistic?

Let us look at the last 5 years that have gotten the attention in conference. Let us look at the last 5 years. The reduction in the increase in the last 5 years was 2.5 percent.

□ 1045

That was a time when we had caps, spending caps. That was a time when we were coping with the deficit and trying to reduce the deficit.

Now we have surpluses and no spending caps, because that is one of the omissions of this bill, it does not reset the spending caps at all. It simply assumes, with no enforcement mechanism, that we can achieve what we have not achieved over the last 10 years, $121.5 billion in real reduction in our defense spending. Too bad we did not have an opportunity to look at that argument realistically in conference.

This bill calls for $175 billion in tax reduction. We showed on the House floor how if we do $40 billion for Medicare and a $200 billion tax cut, we will wipe out the surplus in 1 year and thereafter have a zero balance, no cushion whatsoever. In case there is a downturn we are back in deficit. We are back into the social security count, putting the budget on thin ice, perilously close to deficit for the next 5 years.

They have mitigated that. I think they maybe after all read our chart, and mitigated that to the tune of $25 billion. They say they want to pay down the national debt. That means over 5 years we will pay it down by $12 billion by our calculation, over 10 years by $1 billion.

Why is that? What looks like a more moderate tax cut than last year, what looks like a moderate tax cut, a tax cut of $175 billion, over a 10-year period of time works out to a tax cut of $929 billion, by our calculation.

Last year the tax cut was $156 billion over 5 years, and $792 billion over 10. This year, if we do $176 billion, the out-year implications are $929 billion of revenue reduction plus debt service adjustment. It literally puts us back in deficit.

But they conveniently did not run the budget out 10 years, in this case. That is another thing we could have done in conference, give us a 10-year run-out of the budget, not a 5-year run-out, because in the second 5 years it becomes harder to defend.

These are some major issues we did not touch on. We certainly did not touch on Medicare and prescription drugs. There is a time-honored tool that is put in the Budget Act in 1974 that the Committee on the Budget uniquely can use. If it wants to see something done, it can say to the committee of jurisdiction, you have the authority and the obligation, and here is the money to report out a prescription drug benefit by a date certain so that the House can vote on it.

But every time we mention that, they dodge. This bill right here not only dodges again, because it does not have reconciliation mandates in it. This particular resolution does not even resolve the issue. There is $40 billion for Medicare reform and prescription drugs if the Committee on Ways and Means gets around reporting such a bill, and then in the Senate, there is a totally different prescription.

The idea of a conference report is to bring the two bodies together. On this most critical issue, which is at the top of the chart, they fail to do it. We do not have a clear course and we do not have a mandate to get it done.

I know what we will hear today is the budget resolution is on time, we are going to pass it by April 15. I am going to tell the Members what I said last year, it is on time for a train wreck that will be coming in September. That is what this budget resolution will do for us.

Mr. GOSS. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I have been on the Committee on the Budget for a full 7 years. This is my eighth year. This will be only the second budget that we have passed on time by April 15 during that time. In fact, in the total history of the Committee on the Budget, this will only be the third time that we have passed a timely budget resolution.

So I would like to compliment the Committee on Rules, certainly the gentleman from Ohio (Mr. KASICH) on the Committee on the Budget. If we look at where we were 7 years ago, we were looking at deficits as far as the eye could see, between $200 billion and $300 billion a year. We have come a long ways.

We made the decision last year that we are not going to spend any of the social security trust fund surpluses on anything except social security. This has been a huge change, huge progress. We have agonized as we have tried to hold down spending to make sure ultimately that our kids and grandkids are not going to be saddled with a huge burden of Medicare and social security.

If there is one disappointment in this budget, and I met and talked to John Podesta this morning from the White House, it is that we could not get leadership from the White House to move ahead on social security reform. It is going to come up and be a tremendous disadvantage to our kids and our grandkids if we do not attack and face up to the huge problems of resolving the unfunded liability of social security and Medicare and the entitlement programs.

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, this budget resolution sort of reminds me of one of those good news-bad news jokes. The good news is that this law says that we should pass a budget resolution by April 15. We are going to do that. That is the good news. The bad news is that it is a joke.

If we look at this and listen to what the gentleman from South Carolina (Mr. SPRATT) said, the gentleman is one of the most thoughtful, one of the most intelligent people. He actually was a banker once. He knows about money. He gave a very erudite explanation of this budget.

If we listen to the gentleman, the most important thing he said was that this resolution puts us on record for the train wreck in September. We are right on track. We are going to do it all over again this year what we did last year.

We could talk about Medicare, Medicaid, and all those issues, social security and education, all the issues that are not dealt with here. But this budget resolution contains $100 billion more in cuts. We did not do that last year, we added, and we are heading right down the same track.

I know people's eyes kind of glaze over when we talk about the budget resolution. What is this? This is an outline for what is going to happen in this country in this Congress.

One of the issues on $1.9 trillion, that is a figure that is sort of out of the reach of most of us, but let us just take one issue. That is the issue of pharmaceutical prescription drugs; how people, how seniors are going to get that paid for. Everybody says it is a good idea. But when we look at this budget resolution, I have brought this chart here because it really points out what is all about this budget resolution.

The Democratic proposal was for $40 billion locked in for the drug benefit. The Republican budget says, if the Committee on Ways and Means gets around to it, we could spend up to $40 billion. Which would we rather have, have it locked in, or if they happen to get around to it?

Does it require action this year? The Democrats say yes. The Republicans say no. There is no requirement in this budget.

The gentleman from South Carolina (Mr. SPRATT) talked about reconciliation and all those fancy words. What that means is that the Committee on Ways and Means must do something, and it is not in this bill.

Who is covered? In the Democrats' proposal, every senior citizen is covered. In the Republicans' budget, they have to be poor. So we are going to turn this into a welfare program, it is not a Medicare program.

Mr. Speaker, this turns this program, the Republicans', into a welfare program. Senior citizens are not entitled to it, they have to go down and prove at the welfare office that they are poor enough and ask for help, beg for help. What kind of a benefit is that for us to be giving to senior citizens?

The Democratic proposal says all seniors are covered. As an American over 65, you are entitled. But the Republicans do not believe in that.

The benefit? The Democrats define what people are going to get. What the Republicans say is, here is a little money. Why do you not go out and see if you can buy yourself an insurance policy?

The HIAA, the health insurance industry, says that the private insurance market will not sell policies simply for drugs, for pharmaceuticals. They are not going to do it. It is too risky. So the Republicans are giving them the money and saying, okay, folks, go out and find it. But it is not there. They will never find it.

This budget resolution is basically a PR document. Pass it on time, we want to get it done, we will all stand up here and say it is the first time in 29 years that we have had a budget resolution, and all the rest, but the fact is that it is a nonsense piece of paper.

It is really sort of like Alice in the Looking Glass. The more we look at it, and the reason they ran it through at midnight last night, is because they did not want us to have any time to look at it, because it becomes curiouser and curiouser.

I urge Members to vote against this budget resolution.

Mr. GOSS. Mr. Speaker, I am happy to yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. GREEN), a member of the committee.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is going to be very interesting to watch this debate today. Everyone here today recognizes that some great things have been happening with the economy. Unemployment is at a 30-year low, the economy continues to grow.

Now there are some on the other side who want us to go back to the old days, the days of tax and spend and spend and tax. That is really what they are talking about when they bring out their numbers, their interpolated charts and numbers. That is what they are trying to do. They are trying to move us backward.

Still others want us to sit back and do nothing. They want us to enjoy the fruits of our labor and the fruits of this growing economy.

But the majority budget, the budget we take up today, recognizes that we have a once-in-a-generation opportunity to make progress, to secure America's future. That is what this reform budget does. This budget reinforces retirement security to the social security lockbox.

Secondly, it pays down the debt, reduces it by $1 trillion over 5 years. It eliminates the public debt by the year 2013.

It reinvests in public education, a 9.4 percent increase over last year. It sets in motion a plan for providing prescription drug benefits to seniors. It begins to rescue our military from years of neglect and misuse.

Yes, and I know this is blasphemy to some, yes, it does provide tax relief. It allows Americans to keep more of what they earn.

I hope today will be a good debate. I think it will show the clear differences between the two parties, between those who want to move backwards and those who want to charge ahead. Today should be a good debate.

I urge my colleagues to support this good, open, fair rule. More importantly, I urge my colleagues to vote for this budget. When we go home over the Easter break, I urge them to talk about the great things we are doing, the challenges that we are meeting, and the steps we are taking.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding time to me.

Mr. Speaker, allow me to thank the ranking member, the gentleman from South Carolina (Mr. SPRATT), for a very detailed analysis of the process. Many of us are concerned about process. But in the course of his defining the process, he really captured the substance of my opposition to this resolution at this time.

The gentleman from South Carolina (Mr. SPRATT) is right, the 1977 budget reconciliation was one of our finest hours. The reason is that some of us agreed with aspects of it, and some of us disagreed. But we found that the synergism of providing a budget surplus was a key element to our support.

We now find ourselves in the year 2000 with a budget surplus, but we also find ourselves with a budget where many of us disagree because the principles of opportunity are denied. We give a tax cut that I imagine is to cater to a candidate running for president of the United States on the Republican ticket.

We do not do anything to deal with extending social security and Medicare. One thing that we certainly throw to the winds and leave it encumbered with all kinds of problems is the senior citizen prescription drug benefit.

Members can imagine in a district like the Eighteenth Congressional District, probably representative of many across the Nation, with a high number of senior citizens, there is not a place that I go that they do not say, what choices do you want me to make, food, housing, or my health care?

I do not see why we are prepared to give a $929 billion tax cut, if we project it over 10 years, to placate the presidential politics when we have individuals in our community who have worked, who have paid taxes, who are living by themselves and cannot provide for their health care, cannot get prescription drugs?

We have a plan. The Democrat plan is unencumbered. Yet, we could not get that resolved in this budget process.

□ 1100

In my State, a mere 20 percent of our young people get college degrees. We are fighting this whole issue of the digital divide, realizing that e-commerce is driving the economy, begging to get our young people educated, needing more teachers professionally developed, needing our crumbling schools

being rebuilt, and, yet, this budget does not provide for that in its educational piece.

It slows up on the idea of education. In particular, Mr. Speaker, it does not allow for the President's proposals to renovate crumbling schools. We leave out money to hire and train more teachers. I was in a meeting with members of the e-commerce industry, and one of the things that we noted in that discussion was we appreciate our teachers, but we must make them professionally aware of the technology.

We do not have the money, Mr. Speaker, for Head Start. How many Head Start graduates do we have in leadership positions and owners of small business. There is a definitive measure that we can have to determine that Head Start is a successful program.

So I certainly ask my colleagues and my Republican colleagues, in a time of opportunity, what are we challenged to do? We are challenged to give opportunity to others who may not have walked that walk before. We need to be fiscally responsible, but we did that in 1997, and that is why we are here today.

Now we need to establish priorities. A prescription drug benefit for seniors that is unencumbered, education for our children, compensation for our teachers, the rebuilding of crumbling schools, the protection of Social Security and Medicare, and the heck with the $929 billion tax cut that no one is asking for except presidential politics. We can do better than that, Mr. Speaker. I ask to vote down the resolution and do a better job.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I think we know what this budget resolution conference report is all about. The majority wants to provide the Republican presidential candidate with a budget that he can work with, and that is fine. I read on the front page of the Washington Post today that Presidential Candidate George Bush has recommended another $46 billion of spending this week alone, $13 billion more for education, $25 billion more for defense, and then, of course, he wants a tax cut of over one and a half trillion dollars over the next 10 years.

Well, that is great. We are all for many of those things. But the thing that troubles us the most is that we have what may be a once in a lifetime opportunity to do right by our children's generation. We have an unprecedented surplus ahead of us. Is it right to use that surplus for our own benefit, or is it better to use that surplus to pay off the debt that we incurred so our children do not have to pay it off and so our children do not have to pay the quarter of a trillion dollars in interest costs that are due every year. And those interest costs will be a lot more when they are our age.

We are the ones who had the benefit of running up that enormous deficit during the 1980s. We now have the responsibility to pay it off. First things first. Pay off the $3.7 trillion of our public debt so that our children are not burdened with that debt.

Second thing, provide for our own retirement, provide for our Social Security and Medicare. That is our second responsibility. Do not leave it to them to have to provide for our retirement and our health care when we are no longer working and doing so well.

How wrong a legacy to leave the public debt to our children's generation, to leave it to them to pay for Social Security and Medicare. How right to pay off our debt now, to provide for our own retirement, and, to the extent we can, target tax cuts where they will benefit the economy, where Allan Greenspan will not have to raise interest rates to offset their stimulus effect. Target them and then invest in the next generation in education, prescription drugs research and development, and infrastructure. That is what we should be doing. That should be our legacy for our children.

This conference report does not accomplish that legacy. Let us do the right thing, the responsible thing. Reject this selfish, short term budget policy. We can do better than this. Much better.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I simply rise in strong support of this rule and the budget conference report itself.

We are making history here by, on time, proceeding for the first time in the quarter century since we have had the 1974 Budget Impoundment Act with doing back-to-back budgets on schedule. I believe that that is a very clear signal that this Congress, under the leadership of the gentleman from Illinois (Mr. HASTERT) is on track towards doing the kinds of things that he said when he stood in this well in January of 1999. He has proceeded with regular order following with the rules and the structure that we have in place here.

What is it that we are doing? Well, we have established the priorities the American people very much want us to address. Education is a great concern to the people whom I am honored to represent in Southern California. It is a concern all across this country. We need to make sure that, as we deal with this global economy, that the American people have the expertise that is necessary to be competitive. The best way to do that is to enhance the education level that we have in this country. This measure goes a long way towards doing that.

We have a priority. The gentleman from Ohio (Mr. KASICH) who came before the Committee on Rules last night made it very clear in his testimony that, what is it that the Federal Government can do and has the responsibility to do that no other level of government can do whatsoever? That is those very, very important words right in the middle of the preamble of the Constitution, ''provide for the common defense.'' That is exactly what this budget does by dramatically enhancing our ability to deal with our national security and the security of our interests around the world. Ensuring that we get our very brave men and women off of food stamps, that is a priority that we have here.

So as we look at this budget, it is a very, very important conference report.

I will say, since I am standing here in the well and I am looking at the gentleman from Ohio (Mr. KASICH) who is in the back of the Chamber, that he will be sorely missed. It has been his leadership over the past several years that has played a big role in getting us to the point where we are today, and I look forward to great things from him in the years to come.

The best way that we could send him off when he does leave here months and months from now is to overwhelmingly pass this rule and to pass this budget conference report with strong bipartisan support.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, there were three main issues associated with this conference. First, should we add $4.1 billion to defense spending, increasing overall spending by that amount, and reducing the surplus by that amount? The conference said ''yes'' to that question.

Second question: Should we increase efforts to fight dreaded diseases by increasing spending for NIH by $1.6 billion, which would increase overall spending by that amount? The conferees said ''no'' to that question.

Third: Should we increase student assistance by as much as $200 per grant in order to offset the higher cost of higher education and pay for that by a small cut in the size of tax breaks planned for the high rollers in this society? The conference again said ''no.''

Those are the issues before the conference. Those are the issues before the House today.

This huge Republican tax cut will simply not permit us to do what nearly everybody knows we ought to be doing to help students get the kind of education they need. That reflects what Candidate Bush said in my State last week. He is reported in the Eau Claire newspaper saying as follows: ''George W. Bush gave strong indications Thursday he is not inclined to increase Federal spending to give more grants to students to go to college. Bush, who attended both Yale and Harvard, conceded that some people have complained that loans carry a repayment burden. ''Too bad,'' he said. ''That is what a loan is.'' There is a lot of money available for students and families willing to go out and look for it.

Some of you are just going to have to pay it back, and that is just the way it is.'' What this really is is Richey Rich indicating that he does not have a clue about how the other half lives.

What this conference also does today is gut our ability to deal with the problems we need to deal with respect to health problems.

This chart shows the amount by which every appropriation to attack major diseases will be cut from the Senate amendment in order to make room for my colleagues' Republican tax cut today. They have been talking to folks about how they are going to promise to help increase research on diabetes. This says they are going to have to cut $47 million below the amount in the Senate amendment. They are going to have to cut $14 million for Parkinson's disease. They are going to have to cut $350 million for all types of cancer research. They cut $41 million from research that could have taken place on Alzheimer's and $180 million from research that could have taken place on AIDS.

So when my colleagues vote on this conference today, think of the 150 people a day who will be diagnosed with cancer this year, think of those suffering with diabetes and Parkinson's and Alzheimer's, and think of all of the students who are struggling every day to get a decent education who my colleagues will not be able to help.

That may be consistent with the Republican values. It is not consistent with the values of the people I represent.

[From the Leader-Telegram, Mar. 31, 2000]

BUSH AVERSE TO MORE COLLEGE GRANT FUNDING—LET STUDENTS GET LOANS, CANDIDATE SAYS IN EC

(By Doug Mell)

Texas Gov. George W. Bush gave strong indications Thursday he is not inclined to increase federal spending to give more grants to students to go to college.

Instead, Bush said, he has more affinity for giving students loans.

''I support Pell Grants (the federal government's main college grant program),'' Bush told reporters after visiting Locust Lane School in Eau Claire. ''I support student loans.''

Bush, who attended both Yale and Harvard, conceded that some people have complained that those loans carry a repayment burden.

''Too bad,'' he said. ''that's what a loan is.''

Bush, the Texas governor and likely GOP presidential nominee, added: ''There is a lot of money available for students and families who are willing to go out and look for it.

''Some of it you are going to have to pay back, and that's just the way it is because there is nothing free in society. College is not free.''

He also said the federal government should not get involved in setting tuition levels for state colleges and universities.

Here are edited remarks from a question-and-answer session between Bush and reporters after visiting Locust Lane School:

What are your plans to increase school accountability?

We are going to ask the question, are children learning? We are going to say to states, 'If you accept federal money, you have to develop an accountability system.' I believe a national test will undermine local controls of schools.

Under the Title 1 initiative, it says that after a three-year period, if standards aren't being met for disadvantaged students—in other words, if students remain in failed schools—instead of subsidizing failure, something must happen. You can't have an accountability system, you can't measure, unless ultimately there is a consequence. Otherwise, there is no accountability.

And the consequence is, the parents get to make a different choice. It's funding children and it's battling failure.

I believe if you set high standards and hold people accountable, people will learn. I've seen it with my own eyes.

Is it the school's fault when test scores are low or is it a combination of things?

I think it's the system's fault. When you have kids that can't pass a basic test, it sounds like to me that they have just been shuffled through the system. Because nowhere along the line has someone blown the whistle and said, 'Now wait a minute; we are not going to move you through until you know what you are supposed to know.'

When you have high school kids who can't pass basic reading comprehension exams, you've got a problem. If a kid can't read when he gets to high school, something is fundamentally wrong with the system.

That's why it is so important to address these problems early, before it is too late.

What has been the response to your proposals from teachers?

I differentiate between the union leaders and the teachers. I think the teachers are helping. I think teachers want the best. I think really good teachers do not care about being held accountable. I think they understand that accountability is not a punishment.

We need to expand the program at the federal level that encourages, trains, pays stipends to, ex-military people who come into classrooms.

I want to increase the teacher training, teacher recruitment aspect of the federal expenditures, but I want to send it back to the states with a lot of flexibility.

One of the cornerstones of the education reform package at the federal level is maximum authority and maximum flexibility back to the states. The more flexibility states have to spend federal money to meet their needs, the more money is freed at the local level as well.

I think there needs to be a teacher protection act, which will say that if teachers uphold standards of discipline in their classrooms, they can't get sued under civil rights statutes.

Could Gov. Tommy Thompson play a role in your administration?

Tommy is a friend, and he's smart and he's capable. He's led the way on a lot of interesting initiatives and education reforms. There is a lot of different roles Tommy could play.

Have you approached anyone concerning being a vice presidential candidate?

No, and I won't with anybody. I obviously have thought about it. People say to me all the time, 'Why don't you consider so and so, and why don't you consider this and that?

But I have yet to put a process in place. Over the next couple of weeks, I will be thinking through the strategy.

I think there is going to be a need to have a different attitude in Washington. There has to be a different type of politics and a different type of attitude about expending political capital.

And I tell people point-blank in this state and every state: If you want four more years of Clinton-Gore, I'm not the right guy. That's really what much of the election is about.

What are your plans on dairy policy?

I'm going to say the same thing that other presidents have: We need to have a national plan, a national dairy policy. Until there is one, until there is one that the country can agree to, there is going to be compacts.

Do you oppose dairy compacts?

I'd like to see a national dairy plan.

That includes something on compacts?

It would include a national plan that all regions of the country could live with. If you had a national dairy plan, hopefully, if it made sense, it would make them moot.

I'm going to be a president for everybody. Surely there is plan that is best for the nation.

Would Wisconsin dairy farmers get a fair break under your administration?

I think what Wisconsin dairy farmers can expect is a fair, even-handed policy that tries to develop a national dairy strategy. I recognize it's going to be difficult to do.

What is your position on the Elian Gonzalez controversy?

He should have his day in a family court in Florida. And the (Clinton) administration has been heavy-handed on this issue, and I disagree with them, I strongly disagree with them.

There needs to be a full hearing, and I hope his dad gets to come over (from Cuba) and testify.

I don't trust Fidel Castro. I don't trust the system. I do not believe we ought to trade with Cuba and Fidel Castro, because foreign trade with Castro becomes an avenue for propping the administration up.

I hope the dad is given the chance to make the decision in a free world, give him a chance to make a decision about his son in a totally free environment. There needs to be a venue to make that decision.

What is your position on trade with China?

I do believe we ought to have China in the World Trade Organization. But as opposed to trading with government entities, most of the trade with China, as a result of the World Trade Organization, will be with private entities.

What is your position on campaign finance reform?

I think we ought to have campaign funding reform. It starts with people being honest about the law. Secondly, I think we ought to ban corporate soft and labor union soft money, so long as you have paycheck protection.

We need instant disclosure who the campaign contributors are and I want full instant disclosure on what went on in the White House when the vice president was there.

I think we can make it more fair, more open and more realistic so people know what is going on.

I'd love to work with Sen. (Russ) Feingold and Sen. (John) McCain on that issue. I would hope he (Feingold) would allow paycheck protection so union members don't have their money spent by union bosses without their permission.

What is the first bill you would send to Congress after you are elected.

First is to go to the Defense Department, the secretary of the defense, and ask for a top-down review, a top-to-bottom review of the strategies in place to reconfigure our military.

I worry about haphazard spending, political spending when it comes to procurement, research and development. And I want there to be a procedure in place to reconfigure how war is fought and war.

Our military needs to be lighter, more lethal, easier to move, harder to find. We need to think 20 or 30 years down the road.

The first bill I would like to see coming out of education is Title 1 reform with flexibility to states.

I would like Congress to pass a tax-relief package, with a tax fairness component, I think we need to get rid of the death tax.

This code we have today penalizes people who live on the outskirts of poverty. If you are a mother making $22,000 a year and you have two children, for every additional dollar you earn, you pay a higher marginal return than someone making $200,000. It's not right.

So my simplification plan drops the bottom rate from 15 percent to 10 percent and increases the child credit, which facilitates upward mobility among people who are struggling.

It may sound strange to hear a Republican talking that way, but I'm passionate about this subject. Al Gore is going to say it's risky.

But what is risky is locking people in place in America. What we ought to believe in is having a tax code that encourages upward mobility, not discourages upward mobility.

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

Mr. GOSS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. GOSS) has 18 minutes remaining.

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

Mr. Speaker, whenever anybody leaves an institution, an institution is obviously diminished, a little poorer, especially when it is a good person. Obviously people get replaced through the election process and through the hiring process here, but there is still always a sense of loss when we lose one of our spectacular people.

Much has been said about the gentleman from Ohio (Chairman KASICH), and I want to be associated with those remarks, the extraordinary job he has done through the years here today. We acknowledge that.

I know in the general debate, he is going to have the great opportunity to display his brilliance, and we are going to have the opportunity to further thank him.

Mr. KASICH. Mr. Speaker, I wonder if the gentleman will yield to me.

Mr. GOSS. I am happy to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I want to point out what the Republicans have done since they took the majority in dramatically increasing the funding for the National Institutes of Health.

□ 1115

Mr. GOSS. Mr. Speaker, reclaiming my time, I appreciate the gentleman from Ohio (Mr. KASICH) bringing that forward.

I was going to make the observation that this is really a debate about the rule, and I think we agree it is a brilliant rule and deserves everybody's support; and we are trying to get to the debate when the distinguished chairman can make the kinds of points that are so relevant to the debate and the final vote on the budget.

But today I also want to recognize and publicly thank an outstanding Hill staffer who has set an admirable standard for the past 12 years and who is now heading for new challenges.

Today's rule is the last piece of legislation that Wendy Selig will handle before she heads off to a leadership position of the American Cancer Society.

Wendy personifies skill and professional competence in her work, whether it is as a press secretary, an administrative assistant, the majority counsel on the Subcommittee on Legislative and Budget Process that I chair, or as a special assistant on the House Committee on Intelligence. All of these jobs she has done at one time or another or sometimes simultaneously.

Wendy brings a special brightness to whatever she touches, as all those who have worked with her knows. We wish her all success in her new endeavor. We will miss her a lot.

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

The previous question was ordered.

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

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

Ms. SLAUGHTER. 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 221, nays 205, not voting 8, as follows:

[Roll No. 124]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns

Turner	Visclosky	Wexler
Udall (CO)	Waters	Weygand
Udall (NM)	Watt (NC)	Wise
Velazquez	Waxman	Woolsey
Vento	Weiner	Wu

NOT VOTING—8

Borski	Houghton	Stark
Combest	Myrick	Wynn
Cook	Northup	

□ 1137

Mr. SAWYER and Mr. BALDACCI changed their vote from ''yea'' to ''nay.''

Mr. HULSHOF changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KASICH. Mr. Speaker, pursuant to House Resolution 474, I call up the conference report on the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 474, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of April 12, 2000, at page H2206.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

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

Mr. Speaker, let me one more time run through what this budget proposal and outline does today, because it is, I believe, the right combination and the right direction for our country, although I will tell my colleagues right off the bat, it spends too much. But with what we are working with here, with a narrow margin and a lot of diverse interests, I think we have come up with a very good proposal.

First of all, for the second year in a row, the second time in 40 years, we are not going to touch the Social Security surplus. We are not going to take any money that is in surplus that comes in from the Social Security taxes to pay benefits for our seniors; we are not going to take it and spend it on any other government program. That means that that surplus is going to be available to fix Social Security for the baby boomers and their children. So we will keep our mitts off of that.

Secondly, we are going to strengthen Medicare with a prescription drug program and other Medicare reforms. We think that is important. Now, we hear people on the other side of the aisle criticizing our Medicare proposal. The President first of all cuts Medicare and secondly does not have a prescription drug program until 2003. I like to call it the ''somewhere over the rainbow program.'' We believe we ought to get Medicare reform and prescription drugs today, and we are going to be unveiling our plan to strengthen Medicare.

Thirdly, we are going to retire $1 trillion of the publicly held debt. Now, for so long around here, we talked about passing all this debt on to our children. We are going to pay $1 trillion of the publicly held debt down; and in fact we are on track, if we wanted to, to pay off the public debt by 2013. We are also going to strengthen education and science. Let me just make the point that some folks have said on this House floor that we do not do enough for Pell grants.

□ 1145

Well, we have had a 50 percent increase in Pell grant funding since 1995 when we took charge. As you can see, under a Democrat President and Democrat Congress, Pell grants were not a priority, but under the Republican Congress, starting in 1995, we have significantly increased Pell grants every single year.

Now, I know that some people say it is never enough, but the fact is that we do, in fact, want to accomplish these other missions, having to do with Medicare and retiring debt, and having a small tax cut at the same time. I will get to that in a second.

For those who do not think we make education a priority in this budget, they are wrong. We significantly increase education, primary and secondary, and we continue our march to make Pell grants more available. But I would suggest to many of my colleagues, why do we not have a few conversations with these university presidents who cannot seem to control costs that are going up in higher education by far faster than the rate of inflation? No matter what we do in this body, we cannot solve the problems of the cost of higher education until we get some help on the side of the people who run these institutions who have not been able to manage costs. But let there be no mistake, we have increased the amount of money for Pell grants in this Congress by 50 percent.

In addition to our support of education and basic science, a basic science program that we believe stresses programs like the human genome project, which offers so much hope for everyone in this country for a healthier life for our families; not just extend life, but improve the quality of life with the major breakthroughs that are occurring by the ability to code the human gene.

Mr. Speaker, they say that sometimes advanced technology is indistinguishable from magic, and the fact is when we think about efforts that go on today to decode the human gene system, it is just remarkable. We believe in basic science research in this House.

In addition to that, we are promoting tax fairness for families and farmers and seniors. Let me talk a little bit about this. We have a guarantee of $150 billion in tax cuts out of a $10 trillion budget. I can only define that as puny. The President today is going to say that that is too much of a tax cut. Well, of course it is for the President. He raises taxes. But to cut $150 billion, guaranteed, out of a $10 trillion budget, and to somehow say that is risky and out of line, well, sure it would be for somebody who thinks that we ought to just get our paychecks and send it all to the government. Of course, they think that is too much.

But I tell you, it is interesting when we have votes on things like repealing the earnings test tax, so that seniors can be independent and not get penalized on their Social Security, everybody votes for it. When we put the elimination of the marriage penalty tax on the floor, it is amazing the bipartisan support we get for that.

I will tell you another thing. We bring a bill up here to reduce the inheritance tax, the death tax, on farms, you watch the people that will vote on a bipartisan basis in this House, because, you know what? The day you die, you should not have to visit the IRS and the undertaker on the same day.

The fact is that we need more tax relief. I am disappointed we do not have four times as much tax relief in this bill, because the American people know that America is strengthened from the bottom up, not from the top down; that in this new era, bureaucracy and centralization is not the key. In this new era, it is the power of the individual to compute and to communicate and to re-knit our families together, in our schoolhouses, in our churches, in our synagogues, and community organizations. Let us strengthen them, not strengthen the power of the central government in a far-away place.

Finally, we are going to restore America's defense. We are going to restore it because we do not think that our soldiers and sailors and airmen ought to be in a position where they are on food stamps, where we have spread them out all over the world and not given them the tools they need to be an effective fighting force.

Let us not forget that providing for the common defense is the number one priority of the central government. We need to rebuild our Nation's defense, and, I hope at the same time, to reform our Nation's defense.

Mr. Speaker, I think we ought to come to this floor on a bipartisan basis and we ought to support a budget that saves Social Security, that strengthens Medicare and allows our seniors to have access to prescription drugs, that reduces the publicly held debt by $1 trillion, that gives our children a fighting chance to have a better tomorrow, that strengthens the support for education and basic science, that promotes tax fairness and reduces the tax burden

on small business and families and family farms, and restores America's defense establishment. If we can accomplish all of that in one vote today, we should have no reluctance on a bipartisan basis being able to support this.

We should come here with a firm eye and send a message to the American people that we are starting to get it, we are starting to understand them. We want them to have the power, and we want them to have the responsibility to rebuild this country.

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

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

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

Mr. GEPHARDT. Mr. Speaker, this conference report is essentially the same document as the resolution Republicans had on the floor last month. The Republican budget plan, if implemented, would threaten our record prosperity and undermine the values of middle-class families. This budget reflects the irresistible urge Republicans have to enact massive, irresponsible tax cuts above all other needs and priorities of the American people.

They give tax cuts a higher priority than extending the life of Social Security and Medicare, they are willing to sacrifice a real Medicare prescription drug plan for all seniors, and they are willing to make deep cuts in health and education in order to make their budget add up.

There is not one dime in this budget for Social Security and Medicare. Republicans' unwillingness to do anything to prevent the long-term insolvency of these programs that serve as the bedrock of retirement security for millions of Americans is inexplicable.

This budget pretends that it pays for a prescription drug plan. But, if you look closer, you will see there is not one penny appropriated for a drug plan. The money is ''reserved.'' It is a budget gimmick. It is not real. It will not happen. Talk is cheap; prescription drugs are not. This budget does not solve the problem.

This budget contains Draconian cuts in non-defense appropriations. Nearly $120 billion in cuts need to be made, and, if Republicans have their way, they will cut deep into important priorities like education, health, veterans' affairs, and the environment.

It is clear what the American people want. They want a fiscally responsible budget that will keep interest rates low and the economy growing, they want to strengthen Social Security and Medicare so that retirement security is protected for current and future retirees, they want a drug plan in Medicare that covers all seniors who want it, and they want to invest the surplus in their priorities, like making sure that children get the best public education we can provide.

Mr. Speaker, this budget did not get better in the conference. It probably got worse. It continues to ignore the voices of working families who have made it perfectly clear that they reject the efforts to bleed the surplus dry for political tax cuts instead of investing in Social Security, in Medicare, in paying down the debt, in ensuring the future of this great country.

Vote against this budget. We can do better than this.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

(Mr. RYAN of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, I am a new Member of Congress, but I was not born yesterday, and I hear this rhetoric come to the floor of Congress every time we bring these budgets together. You hear the other side of the aisle castigate each other, as if the world is going to end tomorrow. You hear these inflammatory accusations of what is actually happening.

Mr. Speaker, I would like just to point to the facts. I would like to go over what is actually included in this budget, rather than inflammatory remarks about political posturing.

A budget outlines the priorities of a country. A budget outlines the priorities of Congress. That is what we are achieving in this budget, so it is more than just numbers.

What we are achieving in this budget is really truly historic. This budget, for the first time in 30 years, is stopping the raid on the Social Security trust fund.

Imagine that. In 1969, they passed a bill back then which gave the government the ability to dip into the Social Security trust fund, take the money out, both Republicans and Democrats did it, and then spend it on other government programs that have nothing to do with Social Security. We are putting an end to that. This budget is doing that.

This budget is also strengthening Medicare. It is reserving $40 billion to create a prescription drug plan for seniors beginning next year, not in the year 2003 as the President has been proposing. This budget retires the entire national public debt by the year 2013. It pays off our public debt by the year 2013. It supports education and science. It promotes tax fairness for families, for working families and for seniors, and it does restore our vital national defenses and the quality of life for our military personnel.

What I would like to guide you to is the Social Security part, because this is something that is very important to me. I am a younger Member of Congress, and I fundamentally believe that it is our obligation in this body to make Social Security a program that is not just solvent for this generation, but for the generation after that, which is the baby boomers, and the generation after that. So we have got to act now to prepare for the problems we have coming in Social Security.

Last year the President came to Congress in the State of the Union address and he said, ''Let's dedicate 62 percent of the Social Security surplus back to Social Security and take 38 percent out of Social Security to the government programs.'' He said he would take 38 percent out of Social Security to spend it on the government programs. That is the budget last year that the President brought to Congress. That was the culture in Washington, that was the way things were done.

We countered with a different proposal last year. 100 percent of the Social Security surplus should go to Social Security, and, by golly, we actually accomplished that. Last year, for the first time since 1969, we stopped taking money out of Social Security. This budget stops the raid on Social Security, not just for now, but forever, so we can pay off the debt and preserve Social Security for future generations.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, it is a joke to hear Members of the party that tried to blow up Social Security for 30 years now pretending that they are defending it.

I would like to just make two points: It has been suggested that our comments with respect to National Institutes of Health funding are inaccurate. Does the other side deny that they turned down the Senate amendment that would have added $1.6 billion to NIH?

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

Mr. OBEY. I have 1 minute. You can get your own time.

Mr. NUSSLE. You asked a question.

Mr. OBEY. Mr. Speaker, I would like order.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Wisconsin (Mr. OBEY) controls the time.

Mr. OBEY. The gentleman understands the rules.

Mr. Speaker, I would point out with respect to Pell grants, their standard bearer, Richie Rich, or, excuse me, George Bush, said in my state last week when asked if he would help students who have such a huge debt overhang, ''Too bad, that is what a loan is. There is a lot of money available for students and families willing to go out and look for it. Some of you are just going to have to pay back, and that is the way it is.''

Do you disagree with that? Do you disagree with your standard bearer? You certainly cannot tell it from your budget resolution. You specifically eliminated the $600 million the Senate added for Pell grants. I think that makes clear where you stand.

The SPEAKER pro tempore. Is there objection to the gentleman from Connecticut (Mr. SHAYS) controlling the time of the gentleman from Ohio (Mr. KASICH).

There was no objection.

□ 1200

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from South Carolina for yielding time to me. I also would like to state how much I appreciate the leadership of the gentleman from South Carolina (Mr. SPRATT) in the Committee on the Budget.

Mr. Speaker, I am pleased to see the increase in the budget for research, especially for the National Science Foundation. This bodes well for the fate of the support of research in Congress this year.

Turning to the budget resolution overall, which is supposed to represent our national priorities, I would like to point out how skewed these priorities are contained in this blueprint that we have before us. They are not the ones that the families in New Jersey tell me about.

New Jersey families tell me that the things that are most important to them are shoring up social security, Medicare, education, environmental protection, and they see the benefit, the direct benefit, to them of paying down the national debt.

I would like to point out that the Democratic substitute would have devoted three times as much to paying down the debt as the one that is before us now. The majority's budget resolution has one overriding priority, exorbitant tax cuts at the expense of everything else.

In the Committee on the Budget, I offered an amendment that would have invested more resources in school construction, smaller class sizes, larger Pell grants. It was rejected in favor of enormous tax cuts.

We offered an amendment in committee to pay down our national debt faster. It was rejected in favor of tax cuts.

Earlier this week on the House floor Democrats offered motions, a motion that said simply, let us wait on the enormous tax cuts until Congress has had a chance to pass bipartisan legislation modernizing Medicare. That, too, was rejected.

Make no mistake, there are appropriate tax cuts. I myself have crossed the aisle to support marriage tax relief, estate tax cuts, and other reductions. But the irresponsible tax cuts contained in this legislation are a direct affront to our obligations, I mean the obligations of our society to provide a good education for all of our children, to give access to good health care for all, to protect our air and water and land for those who come after us. This headlong obsession with large tax cuts even puts at risk social security.

Mr. SHAYS. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I would say that only in Washington would a colleague have the motivation to say that a 2 percent reduction in taxes is an enormous tax cut.

We are going to have $11 trillion in revenue. We are cutting taxes $150 billion, and the gentleman calls that enormous?

Mr. Speaker, I yield 2½ minutes to my colleague, the gentleman from Texas (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, the previous speaker talked about priorities, that the priorities of this budget should be setting aside the social security surplus.

We set aside every penny of the social security surplus for the third year in a row. This was first proposed last year by Republicans in response to the President's suggestion that we should spend 40 percent of the social security surplus. That is simply wrong.

The speaker suggested that one of the priorities should be providing prescription drug coverage for Medicare beneficiaries. We set aside $40 billion to put together not just prescription drug coverage, but coverage that includes reforms that protect the options and choices of those senior citizens that currently have prescription drug coverage.

There was a suggestion that our priority should be paying down the debt. We do. We are on a glide path to pay down the debt by 2013.

The suggestion was that the priorities should be education and science, and they are. He pointed out specifically the additional funding for the National Science Foundation. Indeed, we also have over $1 billion that is focused toward the special education mandate that burdens cities and towns across the country.

We also have the kinds of tax fairness that the previous speaker suggested that he supported: eliminating the marriage penalty, getting rid of the social security earnings test, getting rid of death taxes for millions of our citizens.

Of course, we promote a strong national defense.

I want to talk specifically, though, about the record on debt reduction. The suggestion was that an alternative had three times the debt reduction that this resolution has. That is quite frankly a fiction, because this resolution has $1 trillion in debt relief over the next 5 years.

Was there any resolution brought to the floor that provides $3 trillion of debt relief over 5 years? Of course not. That is simply not possible.

However, we pay down $1 trillion over the next 5 years. That is not just a pie in the sky projection, because if we look at what we have already done, the achievement is quite significant: $50 billion in debt paid down in 1998, $88 billion in 1999, over $150 billion this fiscal year.

As we debate the budget here on the floor today, we are going to pay down over $170 billion in the next fiscal year, $450 billion in debt reduction over a 4-year period, an historic achievement. It keeps interest rates low, it keeps the economy on the right track.

Certainly we could keep penalizing seniors and pay down a little bit more debt, but that would be wrong. We could keep penalizing married couples and pay down a little more debt, but it would be wrong.

We have a proposal here that sets the right tone for the American economy and achieves the right goals for the taxpayers.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, the budget before us today is kind of like a decoy budget because it is like putting your duck decoys out in the pond. You have increased defense spending by $4 billion. Now we have locked that in. We know this September that money is now committed and there is no way of going back.

Then they are proposing to cut other spending by $7 billion. That is probably not going to happen because their own members on the Committee on Appropriations on the Republican side are not going to want to do it, but the decoy ploy has worked pretty well.

The budget is well crafted from the standpoint of getting a document done. It is not well crafted from a budget policy standpoint. I think at the end of the day it is going to be a failure, like the other budgets that the Republican Congress has tried to adopt.

We have heard a lot about the social security surplus. I will just say since I have been around here, since fiscal year 1995, the Republicans have been trying to spend the social security surplus on tax cuts. It was not until the economy under the Clinton administration had gotten so strong that we had such surpluses because of the Clinton recovery, and the political beating that they took for their attempts to do that, that now they are able to have this renewal of faith and say that, in fact we support social security and we are not going to touch it.

Their numbers do not add up. They say they want to increase NIH, but they rejected the amendment that the Senate had adopted to increase NIH. The way the function is in the budget, they do not leave any room to increase NIH.

They are going to cut community health, which is contrary to what the standardbearer said yesterday where he wants to increase community health by $4 billion. Their tax cut still works out to be about $800 billion over 10 years, which will probably push this budget, if it were to become law, into spending the social security surplus.

Finally, with respect to prescription drugs, we have yet to see the plan. It reminds me of when I was a boy, kind of, of President Nixon's secret plan, not yet President Nixon, to get us out of Vietnam. It never actually happened. I

think that is probably true with the prescription drug plan. The budget resolution still says if, maybe, whenever, but it does not say when like it does with taxes.

We can pass this budget today. We will be here in September writing the real budget.

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

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this conference report is good if one is among the few who are well off and healthy, but it is bad if one is like so many of our citizens, they are struggling and facing poor health.

This conference report gives a $150 billion tax cut to the wealthy while, in reverse form, Robin-Hood like manner, it takes from the old, the young, the students, families, communities, especially farming communities.

This conference report cuts programs from agriculture at a time when indeed our agriculture communities are struggling. Discretionary spending for agriculture is cut. Resources needed to process claims and make timely loans are cut. Funds for programs to provide vital information to farmers are cut.

Over a 5-year period, this budget resolution cuts the purchasing power of agriculture by 9.1 percent over the next 5 years. It provides $500 less in income assistance to farmers than the House-passed resolution, and that was, indeed, inadequate.

Mr. Speaker, with this conference report education funds are cut, the Head Start program is cut, after school programs are cut, Pell grants are cut, and there is no school repair nor monies provided for more teachers.

Rural seniors indeed need help. Rural seniors on Medicare are over 50 percent more likely to lack prescription coverage for the entire year over urban beneficiaries.

Mr. Speaker, this conference report is good, indeed, for those who need no help. Therefore, Mr. Speaker, I urge Members to reject this conference report. It is bad for America.

Mr. SHAYS. Mr. Speaker, to set the record straight on agriculture, I yield 1 minute to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I beg to disagree with the gentlewoman, who is my dear friend and who I work with very closely on the Committee on Agriculture. But as a member of the Committee on the Budget, I just want folks involved in agriculture to know and understand that we worked very hard over the last 2 years to provide money in the budget for real, meaningful crop insurance reform; that we have also provided money in this year's budget in anticipation of a bad year in agriculture for more money to go to our farmers in the form of an additional AMTA payment.

The gentlewoman is probably right, we are going to cut out some of the bureaucratic function of Washington, DC with respect to agriculture, but this budget, which is the best budget our chairman has ever produced, in my opinion, in the 6 years that I have been here, is going to put more money in the pockets of farmers than any other budget we have ever passed in the 6 years that I have been here.

It is at a time when our farmers are in dire straits all across the country, whether it is Georgia or Iowa or whether it is New England. This particular budget is going to go to put more money in the pockets where it is needed.

Sure, it is probably going to take some money out of the bureaucracy, but we are going to put it where it is important.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, the gentleman from South Carolina (Mr. SPRATT), the ranking member, a distinguished and thoughtful man, said earlier today that we are preparing to get the train wreck on schedule. That is what we have in front of us here is the schedule, where it is going to stop on the highway.

The reason I say that is that it is just like the one we did last year and the year before. It has built into it $100 billion worth of cuts in nondefense spending.

Most people say, what does that mean, nondefense spending? Well, I mean FBI agents, they want to cut some of those, or drug enforcement agents, they want to cut them, or maybe it is Pell grants they want to cut, or the National Institutes of Health. That is a nondefense area. There are $100 billion in cuts.

If Members think the level out there right now is too high, we have too many FBI agents, too much at the National Institutes of Health, then Members will think this is a real nice budget.

The only way they are going to get around that is that they are going to have to go over and get that social security money that is sitting there. They say, we have covered it, it is all protected, we have it in a lockbox. But all we have to do is come out here and pass a resolution on the floor and it is gone. It is a lockbox with a hole in the bottom. So we are looking at a budget that has built into it all the seeds of not passing the appropriations acts, and winding up being back here in September, 2 months before the election.

Mr. Speaker, somebody is going to get up here, and I have listened to the debate so far and I have never heard this phrase yet, because it is the favorite Republican phrase, where are we going to find that $100 billion? Fraud, waste, and abuse. That is the one, we get out here and beat our breast, waste, fraud and abuse.

When we start looking at what that really means, it is the Department of Social Health Services.

□ 1215

The Department of Human Services goes out to hospitals in our districts and starts going through the records of the doctors and the hospitals, and the place is flooded with Members back here saying we have to give them back that money.

So when one thinks they are going to find $100 billion in fraud, waste and abuse, they ought to think very carefully about that. What is going to happen is in September the election will be upon us, the Republicans will cave to the President of the United States, and we will get a decent budget.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I want to suggest five reasons why our colleagues should vote against this Republican budget resolution.

The first reason is that it contains indiscriminate and risky tax cuts that, under realistic assumptions about defense and nondefense spending, will take up more than the available non-Social Security surplus over the next 5 years. The tax cut in this budget resolution, $175 billion over 5 years, exceeds the total non-Social Security surplus forecast by the Congressional Budget Office under an assumption of discretionary spending frozen at inflation-adjusted levels.

Reason number two, it proposes to significantly undercut nondefense discretionary programs that Americans depend on. Over 5 years, the Republican plan would cut nondefense programs by $122 billion below inflation adjusted levels. That would mean, for example, Pell grants for 316,000 fewer students. It would eliminate Head Start for more than 40,000 children.

Reason number three, the Republican plan does nothing to extend the solvency of Medicare and Social Security. We ought to be using a portion of our surpluses to extend the solvency of these programs, which would have the important added benefit of locking in additional debt reduction.

Reason number four, under the Republican budget resolution's unrealistic spending targets, we are once again headed toward an end-of-the-session train wreck and efforts to circumvent the budget process through new and improved gimmicks. Appropriations leaders in both parties have already given warning that they may not be able to produce passable appropriations bills this year under this budget resolution's spending limits. This is simply more evidence that it is not really the budget process that is out of whack around here. What is needed is a responsible use of that process and a realistic budget resolution.

Finally, reason number five, a vote for this budget resolution would send a message to the American people that the cynicism they feel about Congress and their cynicism about the budget process are, alas, justified. We should be sending our constituents a positive message that in a time of budget surpluses we are going to invest in the future of this country, through affordable and targeted tax cuts, through continued debt reduction, and through adequately funding those programs on which older Americans and working Americans and the most vulnerable among us depend.

Take the responsible course. I urge my colleagues, vote against this irresponsible budget resolution.

Mr. KASICH. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

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

Mr. HASTERT. Mr. Speaker, I rise in support of this budget conference report, and I applaud the work of the Committee on the Budget. For the second year in a row, under the leadership of the gentleman from Ohio (Mr. KASICH), the Committee on the Budget has produced a quality work on time. If the House will look at this, it is the first time in the history of the House that we have met this budget on time ever.

When the gentleman from Ohio (Mr. KASICH) first became budget chairman, our government's finances were a mess. We had high taxes. We had expanding government. We had a huge debt and a budget deficit of $200 billion, and I quote the administration, ''as far as the eye could see.'' Today we have a responsible and a balanced budget which keeps America on the right track. Today we have a goal of balancing the budget, paying down the debt, securing Social Security; and, yes, we hear all the ifs on the other side, but that is our goal, that is our target and this budget gets us there.

Those who would like to spend more are not keeping their eye on the target, which is balancing the budget, paying down the debt, protecting Social Security. Also, besides protecting Social Security in this budget, the money that goes into Social Security is reserved for Social Security. We pay down $1 trillion of debt over the next 5 years, $1 trillion of debt. We modernize Medicare by providing $40 billion for a prescription drug benefit so no senior should be forced to choose between putting food on the table or taking life saving prescription drugs.

We provide additional educational spending; additional educational spending. I believe our goal is simple when it comes to education, that every child in this country deserves an opportunity to go to a good school.

We improve our national security by giving our men and women in uniform the resources they need to protect America from the dangerous world outside. We include tax fairness in this common sense budget. We believe it is morally wrong to penalize young couples who want to get married, up to $1,500, simply because they are married as opposed to being single. We believe it is unfair to tax people just because they die, and we believe that the Tax Code must encourage people to save for their children's future education.

Today, my friends, we continue to keep this Nation on the right track. We have balanced the budget; and we have a balanced, responsible approach to govern.

I commend the gentleman from Ohio (Mr. KASICH) for his hard work on this budget, to the Committee on the Budget and to this institution and to the American people for the many years of his service. I would say thanks to the gentleman from Ohio (Mr. KASICH).

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, unfortunately this budget is not about the past. It is about the future. Any way we want to explain it, the centerpiece of this budget resolution today is a massive tax cut at the expense of debt reduction, Social Security, agriculture and defense. The numbers do not lie.

It is gratifying to hear my friends on the other side adopting the Blue Dog rhetoric about the importance of paying off the debt. I only wished their resolution carried through on what they say. Once they take away all the double counting in this resolution, it would leave only $12 billion of the non-Social Security surplus, approximately 8 percent, for debt reduction over the next 5 years. That is $73 billion less than the Blue Dog budget and $430 billion less debt reduction over the next 10 years, and that is a fact. No rhetoric is going to change that.

I wish they paid more attention to what the tax cut does in 2010 to 2014 when the Social Security system is going to need this money. This budget and this tax cut, if it is implemented, which fortunately I do not believe it will be, will wreck the Social Security program beginning in 2014, and that is irresponsible.

Also, the budget provides money for another short-term agricultural relief package, which we all appreciate; but why did we not take the opportunity, as the Blue Dog budget suggested, of having a 5-year, fix-the-policy, look-at-the-baseline problem? Why are we doing a 1-year fix again? Why can we not find the support on both sides of the aisle to match our rhetoric with the needs of the country?

When we look at the agricultural needs today, this budget comes up tremendously short.

The American people continue to tell us that paying off the debt should be our first priority using the budget surplus. Over and over and over they tell us that. Unfortunately, this budget continues to ignore this message from the American people, and I am very disappointed that once again we have not been able to find a responsible middle ground, but that is what this is all about. If the priorities are a massive tax cut at the expense of debt reduction, Social Security, agriculture and defense, vote for this resolution.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, somebody very wise once said that everybody is entitled to their own opinion but not their own version of the facts. We need to get the facts down here today because the one thing we owe to the public is to have an open and honest debate about exactly what we are doing.

The major fact here that is going unstated is the 10-year price tag associated with this tax cut. Now today there is the admission that we are talking about $175 billion tax cut over 5 years. Last year we debated a $792 billion tax cut over 10 years that was fiscally irresponsible and wildly unpopular, rejected by the American public. By the math we have done over here, what we are debating today, but we are not willing to say, is an $875 billion tax cut over 10 years. It undermines everything that has been said on this floor about paying down the debt and spending.

I would be happy to yield to the chairman of the House Committee on the Budget if he wants to correct me and tell us what the real price tag is over 10 years on this tax cut. The gentleman from Ohio (Mr. KASICH), I would be happy to yield to him if he would like to tell me what the price tag is over 10 years on the tax cut contemplated by this budget resolution we are going to vote on.

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

Mr. DAVIS of Florida. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, it is our job to come up with a 5-year number. We believe that the 10-year number will fit. I also want to commend the gentleman from Florida (Mr. DAVIS) for voting for the tax cuts that we have brought to this floor, particularly eliminating the tax on the senior citizens. So it would be good if we could even bring a couple more to the floor that he would vote for, but the point is that we believe it will fit and we will be able to have tax relief plus save Social Security.

Mr. DAVIS of Florida. Mr. Speaker, this remains the dirty little secret about this budget resolution, that we do not have the 10-year price tag associated with the tax cut, and I stand on my assertion it is an $875 billion tax cut which undermines what should be our Nation's highest priority, paying down the debt.

In 1999, we spent $230 billion on interest payments alone on this $3.47 trillion Federal debt. That is 13 percent of

our total spending. It is more than we spend on Medicare. It is slightly less than what we spend on national defense. Paying down the Federal debt should be our highest priority. It contributes to lower interest rates. It allows us to preserve the solvency of Social Security and Medicare for the retirement of the baby boomers, and we cannot do that and sustain an $875 billion tax cut. We ought to be willing to talk about it. We ought to be honest with the American public. We ought to do responsible tax cuts, but we ought to pay down the Federal debt first.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the House Committee on Armed Services.

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

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

Mr. Speaker, I rise in support of the fiscal year 2001 budget resolution conference report.

This budget resolution provides $4.5 billion more for national defense than the level requested by the President. With this budget resolution, Congress will have increased the President's defense budget request for over 6 years in a row by a total of nearly $50 billion.

While this is a significant amount of money, it is not enough to offset the drastic cuts in defense we have experienced during the tenure of this administration.

Underscoring this point, the military service chiefs testified before our committee earlier this year that the President's budget, even with a significant increase, still leaves more than $84 billion short over the next 5 years, including a $15.5 billion shortfall in fiscal year 2001.

The budget resolution before us will once again allow us in Congress to step up to the plate. With these additional funds, the Committee on Armed Services has already begun to mark up the fiscal year 2001 defense authorization bill and to address the broad range of shortfalls that result from the President's request, serious shortfalls in military health care, modernization, readiness, and quality of life programs.

I want to thank the leadership for their support in arriving at this defense number; but especially I want to thank the gentleman from California (Mr. LEWIS), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Missouri (Mr. SKELTON), and the 285 other Members who joined with me in passing the amendment to the supplemental appropriations bill. Now is the time to carry through and protect this money. We have it in the budget.

The conference report before us, while not providing everything that is needed, does provide another significant installment payment by Congress toward restoring our military to the level of excellence that the American people expect and that national security requires.

I urge my colleagues to vote "yes" on this conference report.

□ 1230

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for his work on this resolution. I thank my colleagues on this side of the aisle for all of their work.

Unfortunately, I do not think this measures up. This budget is an important document, not because of what it says, but because of what it fails to do. This budget could have provided an opportunity to begin to pay down the national debt, but it will not. This budget could have been an opportunity to do some things to strengthen Social Security, but it will not. This budget resolution could have been a chance to provide some sensible Medicare prescription drug benefits for older Americans. It does not do that either.

Of course, it would be one thing if all this resolution did was to ignore the problems facing American families. But the problem here is that it just adds to their problems. It adds to them by failing to extend the solvency of the trust fund by one single day. In fact, this budget plan would even cut the funds Social Security and Medicare needs to perform some basic administrative functions to make it work.

Now, there is one group of Americans in this budget who will get some special help. It is the wealthy who stand to gain hundreds of billions of dollars from this budget.

If this all sounds familiar, it should. Because it is the same budget the leadership tried to sell us last year. It is, in fact, the same platform that George W. Bush is trying to sell the American people this year. It did not make sense then, and it does not now.

America does not need a huge tax cut for the wealthiest individuals in our society. We need a budget that allows us to, one, pay down that debt. With that interest savings we accrue by paying down that debt, strengthen Social Security, strengthen Medicare, invest in education, and invest in prescription drug care for our seniors. We need a budget that would move this country into the future. This budget, I regret to say, throws us back into the past.

Mr. SHAYS. Mr. Speaker, before yielding, can I just reaffirm how much time is remaining on each side.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Connecticut (Mr. SHAYS) has 9¾ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 8½ minutes remaining.

Mr. SHAYS. Mr. Speaker, I yield 3 minutes to gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, while I think I understand what the tactic is on the other side. We have heard about train wrecks today. In fact, the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip, came in and talked about how this is not going to work, how it does not mean the priority. We have heard about the Democrats rushing to the floor saying that, oh, at the end of the year, there is going to be a train wreck.

Well, if there is a train wreck, Mr. Speaker, it is for one reason. It is because the Democrats are in an election year, and they are running for their lives. They are slapping on the camouflage, and they are sneaking up, they are crawling up that hill, going toward that railroad track, and they are planting the dynamite. They are planting the demolition chargers, and they are trying to blow it all up because they know one thing. If this train makes it to the station, they lose.

That is unfortunate. Because in America, it does not have to be win-lose. It can be win-win. When we had our conversation with America, when we went to town meetings across the country, Americans in Iowa, Americans in Minnesota, in Connecticut, in Ohio, South Carolina, all across the Nation said that they wanted to have some goals in this budget put firmly in place.

Protect 100 percent of Social Security. The gentleman form Michigan (Mr. BONIOR) said it did not do that. What is he reading? What is he reading? Strengthen Medicare with prescription drugs. Forty billion dollars, the first time we have ever set up a Medicare lockbox to set aside $40 billion to do that. The previous speaker says it does not do that. What is he reading? Who is he listening to? Who is writing his speeches these days?

At least read the document that my colleagues are going to be voting on today. It not only provides 100 percent set-aside for Social Security so that it is not touched, the first time we have been able to accomplish that, the first time in a row that we have been able to accomplish that; but, under Medicare, we not only set aside $40 billion, but we have a prescription drug benefit.

Now, it is not the one they want. Of course, Democrats have a different philosophy of the way prescription drug benefits ought to be administered. They say, let the government take it over. Give it all to the Health Care Finance and Administration, let them write the plan.

Of course Republicans have a little bit different idea. We say we do not trust the government to run this health care system very well. It has not done a good job. Let us look for some free market ways of doing it. So there is a difference of opinion. But do not say we do not have it when we have it.

Then of course we retire the debt by 2013. The gentleman from Michigan (Mr. BONIOR) said there is no debt retirement. Again, what is he reading? Three trillion dollars of debt retirement as a result of this bill, and we

have to be proud of that, all of us, again, in a win-win situation. Strengthen support for education.

There has been talk today about NIH cuts. There is a $1 billion increase for NIH the last 2 years alone, 13 percent the first, 14 percent the second. Increases in NIH funding, not cuts. So let us vote for this plan, but it does the things that America wants, and it is win-win.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I want to thank our ranking member for yielding me this time.

Mr. Speaker, I am rising to oppose this resolution and this piece of legislation simply because we have not set our priorities straight.

There will be a lot of rhetoric today about some of the nuances of the bill and the conference report. There will be a lot of rhetoric about the little things that are in there. But let us talk about the broad stroke, the very large issues of priority.

In this bill, the Republicans have determined that their priority is a $175 billion tax cut. They do not hide that. They show that in the full light of the day. They say this is what we want. They also have said what we want is absolutely no money for school reconstruction, absolutely no money to reduce our classroom size, absolutely no money that is truly dedicated to prescription drugs.

Yes, there is some semblance of money that is in there. But if one reads the true fine line, one will find that there is really no money there for any one of those priority items.

Education and health care are simply smoke and mirrors. Tax cuts, they have the full force of law under this resolution, under this conference report. They would prefer to spend the $175 billion over the next 5 years, $800 billion over the next 10 years for tax cuts, but not for prescription drugs, not for reducing our classroom size, or not reconstructing our schools, as most Americans, most Americans, want to have.

Yes, this bill is about priorities. It is about leadership. It is about what the people of America want and do not need. What they do not need are the tax cuts. What they do need are prescription drugs, reconstruction of our schools, and smaller classroom size.

Mr. Speaker, I urge my colleagues to vote against this conference report.

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

Mr. SPRATT. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) has 6½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield myself 6½ minutes.

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

Mr. SPRATT. Mr. Speaker, this budget resolution was not produced until late last night; and this morning, we found it on our doorsteps. Some Members who have had only a cursory opportunity to look it over may think, well, they have touched it up here, tuned it up here. This resolution runs better than the last vehicle that left the House. But before my colleagues buy it, let me suggest we look under the hood.

It is true that, in this resolution, they have mitigated the unrealistic reduction in nondefense spending that they assumed in the last one, but it is only at the margin. This resolution still requires $121.5 billion real reduction in nondefense discretionary spending. This is not just another number among hundreds of numbers in the documents before us that we can hit or miss with impunity. This whole budget turns on this unrealistic assumption.

If we do not attain it, if we do not cut nondefense discretionary spending by 9.8 percent, on average, over the next 5 years, there is no surplus. There is no debt reduction. The budget is in danger of being in deficit again.

This chart right here in technicolor tells us why. For the last 5 years, if we look on the far side of the chart, we will see that, even though we had a deficit during much of that period of time, and even though we had spending caps on discretionary spending, under Republican dominion here in the House and the Senate, nondefense discretionary spending still grew by 2.5 percent above the rate of inflation.

Now, what we are asked to believe in this resolution is that we can reverse that trend, and in an era of surpluses, not deficits, and without any spending caps, because there is no mechanism for enforcement here, no spending caps extended in this budget, no sequestration, with no enforcement mechanism, we can go from 5 years with real spending growing 2.5 percent a year to 5 years where it declines 9.8 percent on the average over 5 years. I do not believe it will happen. I am not saying it is not possible. I do not believe it. It puts the budget in peril if it does not happen.

Look, tax cuts, same thing. The last time this budget was on the floor, they were proposing a tax cut of at least $200 billion. Here I have to say I think our Republican colleagues listened. Because we came to the floor of the House, and we took their spending numbers and their tax cuts, and we combined them, integrated them into one chart over 5 years. We show it by a chart here in the well of the House that, if this budget were adopted in 1 year, the surplus would vanish, it would be wiped out in 1 year. We challenged our colleagues to counter if we were wrong, and they never countered. They never corrected the numbers. When the debate closed, our chart stood.

I said, and I think the analogy is appropriate, they are going to put the budget on thin ice. No cushion. If anything happens, any reversal in the economy occurs, we are back in deficit, borrowing from Social Security again.

Well, this budget resolution is a bit less risky. That is because, instead of having $200 billion in tax cuts, it has $175 billion in tax cuts. But here is the bottom line on this chart. We have redone the chart. Look at the bottom line. One will see the numbers are very, very small. There is precious little cushion left, if my colleagues pass this resolution, for any kind of downturn in the economy or for the eventuality that $121 billion in real reduction and discretionary spending simply cannot be attained.

Let me tell my colleagues one other thing that is risky about this budget. There is a certain slight of hand here, as the gentleman from Florida (Mr. DAVIS) called it a minute ago, it is a dirty little secret. Last year, we had a 10-year price tag. Last year we very honestly ran out the projections of the budget, including the tax cut, over 10 years.

This year, we only have a 5-year projection. Why is that? Because in the first 5 years, the tax cuts seem much, much more modest. This budget, unlike last year's, only goes out 5 years, and it seems that we have got $175 billion tax cut.

But if we run that over 10 years, and if we use the same rate at which last year's proposed tax cut expanded, by our calculation, the total tax cut with debt service adjustment is $929 billion, and look what happens. It is a small number, yes, but we are back in the red again. This budget brings back the deficit.

That is why we say it is risky. After all we have done to get rid of the deficit, that is why we say it is risky.

Let us take Medicare. The gentleman from Iowa (Mr. NUSSLE) here said, what are they reading? I will tell the gentleman what we are reading. We are reading their budget resolution. It has got two different paragraphs. Section 214 and section 215, they say different things. A conference report is supposed to reach agreement between the House and the Senate, but the Senate has one provision and my colleagues have another provision.

Instead of using this time-honored device we call reconciliation, one tool that is unique to the Committee on the Budget to get something done. What do they do? They say, here Committee on Ways and Means, here is $40 billion we are putting aside in reserve fund if you can use it, if you can come up with a prescription drug bill and structurally reform Medicare, then you can report a bill at some particular point in time. No dates are named.

Go back to our resolution, and we show one how to do it. So we do a prescription drug benefit. We say to the Committee on Ways and Means and the Committee on Commerce, go do it.

I do not have time to go through the other details. We have not had time to do it in a budget resolution. But let me tell my colleagues something, look at

military health care. We tried to put a little bit of money in there to do something for the retirees, $5.4 billion over the next 5 years. Do my colleagues know what they provide? $400 million.

The Speaker was here talking about education. Well, we looked up the numbers on education. We have got $4.8 billion for next year. They have got a cut in education below a freeze for next year.

□ 1245

Health care, which the gentleman from Ohio (Mr. KASICH) was talking about. Look at function 550. They are $900 million below a freeze. We are above a freeze for health care.

So for all these reasons this budget resolution ought to be voted down. It ought to be sent back to a real conference where we can do debt reduction, do tax relief, do realistic spending levels, do Medicare prescription drugs, extend the life of Medicare and Social Security.

We can do it better, and we ought to do it better. Vote this resolution down.

The SPEAKER pro tempore (Mr. PEASE). All time for the gentleman from South Carolina (Mr. SPRATT) has expired.

Does the gentleman from Ohio (Mr. KASICH) reclaim his time?

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) reclaims his time and yields 1 minute to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, let me just say to the ranking member that I was here last year and the year before, and I say to my colleagues that every one of his arguments he has used almost in the same format every year.

Now, what is interesting about his argument this year, it is all predicated upon a 10-year projection. But this is not a 10-year projection. We are talking about 5 years.

The gentleman from Florida (Mr. DAVIS) talked about a dirty little secret. There is no dirty little secret. This tax cut is less than 2 percent. Less than 2 percent. We do not even have accuracy charts around here in Congress that we can guaranty anything less than 2 percent. And for the gentleman to project out on his chart for 10 years, that it is possibly a deficit of $1 billion, is really pushing the numbers.

When we look at this tax cut for Americans, what are the components? It is a marriage penalty tax, a death tax, an education savings account, health care deductibility, community renewal, and pension reform. All these things are for Americans. So I urge passage.

Mr. Speaker. I rise to speak in favor of the budget resolution conference report which outlines our spending priorities for fiscal year 2001.

First of all it provides $150 billion in tax cuts, including repeal of the marriage-penalty tax and small business tax relief. Since Small Businesses produce so many new jobs and are responsible for the state of our economy, we need to make sure this prosperity continues.

This is long overdue and I wholeheartedly support providing America's working men and women the opportunity to keep more of their hard earned dollars.

The fiscal year 2001 Budget Resolution also protects the Social Security surplus by creating a "lock box" and dedicates the $161 billion surplus to the Social Security Trust Fund.

This budget also sets aside $40 billion for Medicare reform and to fund a prescription drug benefit. We should give seniors the same choices that other Americans already have, including Members of Congress and the President.

I believe that we must pay down the debt and this budget resolution dedicates $1 trillion over the next five years toward that end. What's more, by 2013 it will be completely eliminated.

It is vital that the men and women who serve our country are fully equipped and it is our responsibility to make sure that our military is no longer asked to carry out its duties without the necessary resources. The defense budget is increased by $20 billion for fiscal year 2001.

When the men and women who defend our country return home we must not forget them. That is why we have funded the VA at the level requested by he Veterans Committee, which represents $100 million for health care over the President's VA budget proposal.

To sum it up, this budget resolution taxes less, spends less, places restraints on government growth, provides for a strong defense, protects 100 percent of Social Security surplus and reduces the debt.

This is a budget that we can all be proud of and I urge my colleagues to vote for this conference report.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to congratulate him on the budget work that he has done over the last number of years.

What we are now taking a look at is we are taking a look at a budget that is not going to steal from Social Security. But perhaps one of the most important things about this budget is that we reinvest in education. We reinvest in education in a way that will make an impact for our kids.

What we do is we take dollars away from a Washington bureaucracy, and we move the rules and regulations away from the process and target getting dollars back to our children. We get the dollars into the classroom. We get the dollars into a school district where the people who are making the decisions for our kids and for the learning process are the people that know the names of our kids. But more importantly, not only do they know the names of our kids, they also know the needs of our kids. They know the needs of the community and the school district.

So what we will get is we will get more effective decision-making, we will get more dollars to the classroom where they actually make a difference.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me this time, and I also thank him not only for what he has done for this budget but what he has done over the years to bring some fiscal sanity to this city.

I can remember when I was back in the State legislature and we would marvel at how much the Federal budget would go up every year. It seemed like back in the 1980s that we were talking about budgets going up double, triple, and sometimes almost quadruple the inflation rate. It was no wonder they were piling deficits upon deficits.

Now, we have heard a lot of interesting arguments this morning, but John Adams said something pretty powerful about 200 years ago. He said facts are stubborn things. And if people forget everything else that has been said today, I hope they will remember this: in the fiscal year that we are in today we are going to spend $1,780 billion. In my opinion, that is too much. Under this budget, we are going to spend $1,830 billion. I still believe that is too much. But more importantly, that means that total spending will only increase this year by 2.8 percent. That is less than the inflation rate, and it is almost half the rate the average family budget will go up.

That is a giant step in the right direction. This is a good budget, and I hope the Members will join me in supporting it.

Mr. KASICH. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3¾ minutes.

Mr. KASICH. Mr. Speaker, I would like to just take a moment and, before I finish with the policy, I would like to just spend a few minutes to say that any person who is trying to carry out a program, to run a committee, a committee chairman, cannot be successful without staff. They are the ones who are the least recognized and the hardest working of all the people here.

I do not want to leave anyone out, and I hope I have not, but I wanted to thank Greg Hampton, who came to my congressional office at the Committee on the Budget, the same with Mike Lofgren. Mike an expert on defense, Greg on health care. Jim Bates, who I do not see on the House floor, is a guy who worked until 2, 3 o'clock in the morning to try to be able to make sure that everything, all the T's were crossed and all the I's were dotted and that we followed all the parliamentary procedures. He has a very tough job. And Pat Knudsen, who was in charge of so many activities, including just being able to put together our communication program. And a very special

''thank you'' to my friend and staff director Wayne Struble. I have never known anybody who has come to this government with more conviction, more determination, and more absolute and total consistency to stay on a path to try to make this country a little better.

Now, they never get recognized; and I want their parents to know how important they were to me. They made me a much better leader because of the work that they put in. Oftentimes they are neglected, but they are not neglected with me.

Secondly, I was trying to think back to the members of the Committee on the Budget that have been with me since 1973. I think the gentleman from California (Mr. HERGER), who had contributed a great amount; and to my dear friend, the gentleman from Connecticut (Mr. SHAYS), who has sat there through thick and thin, has been on this Committee on the Budget since 1995; and the gentleman from Michigan (Mr. HOEKSTRA), my great friend, who actually went off in order to accommodate another member for a short period of time. It goes without saying that without their support, guidance, and advice we would not have been as effective.

I want to just close the debate by just suggesting that we get some bipartisan support for this product. I think it is a good product. It will allow us ultimately to have the money that we need in order to be able to fix Social Security for three generations.

We will be able to strengthen Medicare and pay down that trillion dollars in the publicly held debt, provide that tax relief, try to provide some more resources for education, and of course rebuild America's defense.

I would be remiss, by the way, if I did not take a second to thank my good friend, the gentleman from Ohio (Mr. HOBSON), who came on the floor and who sat with me in the tough times when we were trying to put these budgets together and make them work.

So let me just say to the membership today, I think we have a great opportunity to make another down payment on our goals. We have a long way to go, but I think we have come a long way and would ask for support for the conference report.

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

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that I be allowed to recognize my staff, just as the gentleman from Ohio (Mr. KASICH), has, before we go to the vote.

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

There was no objection.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for allowing me this opportunity.

Since January, when the budget first began emerging from the White House, through last night, our staff, which is a small staff because we are the minority staff, has worked diligently and really performed Herculean efforts to stay on top of the budget, and I could not ask for more and the House could not either.

My chief of staff is Tom Kahn. Richard Kogan is our policy director. Hugh Brady, Susan Warner, Lisa Irving, Jim Klumpner, Sarah Abernathy, Andrea Weathers, Sheila McDowell, Linda Bywaters, Sandy Clark, Kimberly Overbeek, Pepper Santalucia, Sarah Day, an intern from Winthrop College, and Joseph Ortiz. As I said, they have put in Herculean efforts, wonderful work on the budget; and without them we simply could not have mounted the arguments that we have on the floor.

I thank the gentleman very much for giving me the opportunity to recognize them for their wonderful work.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the conference report on the concurrent budget resolution for Fiscal Year 2001. As has been the case with previous budget resolutions, this budget not only tests the bounds of fiscal reality, but fails the test of fiscal prudence and priority. We all know that as soon as the appropriations process begins in earnest and the depth of the necessary cuts to non-defense programs come into focus, this budget will become irrelevant.

The Majority has chosen to spend virtually all of the budget surplus on tax cuts and on a $21 billion increase to defense spending, while requiring cuts of $7 billion below a freeze in Fiscal Year 2001 in other programs and $121.5 billion below inflation over 5 years. If enacted, this would result in 500 fewer FBI agents, 600 fewer DEA agents, 40,000 fewer kids in Head Start and 300,000 fewer students receiving Pell Grants to go to college. We would also have to cut community development and scale back funding increases for the National Institutes of Health.

Like the House-passed resolution, and other Republican budgets, this proposed budget sacrifices everything in the name of giving the largest possible tax cuts without doing anything to address the long-term needs of Social Security or Medicare. The solvency of Social Security and Medicare are in no way enhanced. Recall that the Democratic alternative budget, which all my Republican colleagues voted against, extended the life of Social Security by as much as 15 years and the life of Medicare by as much as 10 years.

With respect to debt reduction, the conference agreement devotes 8 percent (a mere $12 billion) of the on-budget surplus, over a five-year period, to paying down the national debt. Again, recall that the House Democratic substitute devoted 40 percent of the on-budget surplus to debt reduction over 10 years. When the Republicans claim to care about paying down our nation debt, clearly they are being disingenuous. While the Republicans claim that they will not spend any of the Social Security Surplus, their history indicates otherwise. Since gaining the Majority in 1995, Republican budgets have increased discretionary spending greater than the rate of inflation. If they were to enact their massive tax cut and increase spending as they always have, their budget would eat into the Social Security Surplus and add to the national debt.

Turning to a voluntary prescription drug benefit for Medicare beneficiaries, I am dismayed that Republicans have explicitly provided for tax cuts, particularly for the highest income bracket, but have done nothing to make definite their plans for a Medicare prescription drug benefit. While Medicare has been a tremendously successful program in providing health care for senior citizens and a better quality of life, the rising use and cost of prescription drugs demands congressional action. Prescription drugs now account for about one-sixth of all out-of-pocket heath spending by the elderly. The percent of beneficiaries without coverage who cannot afford to buy their medicine is about five times higher than those with coverage, ten percent compared to two percent. Almost 40 percent of those over age 85 do not have prescription drug coverage. The Republican budget only says there will be a benefit 'if' or 'when' the Ways and Means Committee proposes a plan.

While I opposed the conference report, I am pleased that it includes language from the amendment that I offered with Congresswoman BALDWIN to Republicans included language I proposed to increase access to Medicaid CHIP and fund access to Medicaid coverage for uninsured women diagnosed with breast cancer. In my state of Texas, there are more than 800,000 Medicaid-eligible kids who are not enrolled in the program but still get sick, and we have more uninsured women, whom if they contract breast cancer, are in dire straits.

Taken all together, the only reasonable conclusion I can arrive at is that the Republicans have once again thrown together a haphazard budget scheme that is not fiscally sound, does not pay down the debt, does not extend the life of Social Security or Medicare and provides no meaningful prescription drug benefit. For these reasons, I am compelled to vote against H. Con. Res. 290.

Mr. CLEMENT. Mr. Speaker, I rise today in strong opposition to this fiscally irresponsible budget resolution conference agreement. Not only is this agreement bad fiscal policy, but it is flawed economic strategy. America has emerged from an era of struggling to eliminate billion-dollar deficits into a new age of setting priorities for an expanding budget surplus. Instead of seizing the opportunity to help American families prepare for the future, this budget resolution proposes deep cuts in domestic programs to make room for a fiscally irresponsible tax cut that could force us to return to spending the Social Security trust fund.

We owe it to our nation's seniors to enact a Medicare prescription drug plan this year. Prescription drugs now account for about one-sixth of all out-of-pocket health spending by the elderly. Ensuring our seniors can afford the prescription drugs they need should be a higher priority than providing tax relief to the wealthiest members of our society.

This conference agreement allows a prescription drug benefit of up to $40 billion over five years but only if accompanied by unspecified Medicare ''reforms.'' Under this agreement, the Republicans have chosen to hold the prescription drug benefit hostage to unspecified Medicare reforms which may or may not be enacted. By contrast, the Democratic alternative budget required that a full $40 billion be devoted to a prescription drug benefit.

We should be focusing on taking care of our elderly, ensuring the long term solvency of Social Security and Medicare, educating our children and paying down the national debt. This

agreement sacrifices these national priorities for a massive tax cut. Passing such an irresponsible budget resolution will force the Appropriations Committee to either invent gimmicks that make a sham of the entire budget process or produce bills with significant deficits in funding. Mr. Speaker, I urge my colleagues to reject this conference agreement.

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

There was no objection.

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

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

The vote was taken by electronic device, and there were—yeas 220, nays 208, not voting 7, as follows:

[Roll No. 125]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Borski
Campbell
Cook
Houghton
Myrick
Stark
Wexler

□ 1321

Ms. DANNER and Ms. HOOLEY of Oregon changed their vote from ''yea'' to ''nay.''

Mr. BARTON of Texas changed his vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. KASICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on House Concurrent Resolution 290.

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

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3615, RURAL LOCAL BROADCAST SIGNAL ACT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 3615) to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; that the bill be considered as read for amendment; that in lieu of the amendments recommended by the Committees on Agriculture and Commerce now printed in the bill, the amendment in the nature of a substitute that I have placed at the desk be considered as read and adopted; that the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) 1 hour of debate on the bill, as amended, equally divided among and controlled by the chairmen and ranking minority members of the Committees on Agriculture and Commerce; and (2) one motion to recommit with or without instructions; and that House Resolution 475 be laid on the table.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3439, RADIO BROADCASTING PRESERVATION ACT OF 2000

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations and that consideration of the bill proceed according to the following order: (1) the first reading of the bill shall be dispensed with; (2) general debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce; (3) the amendment in the nature of a substitute recommended by the Committee on Commerce now 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 as read; (4) points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived; (5) during consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read; (6) 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 5 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; (7) 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; (8) 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; and that House Resolution 472 be laid on the table.

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

There was no objection.

LAYING ON TABLE HOUSE RESOLUTIONS 356, 375, 382, AND 383

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following resolutions be laid on the table: H. Res. 356; H. Res. 375; H. Res. 382; and H. Res. 383.

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

There was no objection.

DATE CERTAIN TAX CODE REPLACEMENT ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 473 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 473

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4199) to terminate the Internal Revenue Code of 1986. The bill shall be considered as read for amendment. An amendment in the nature of a substitute consisting of the text of H.R. 4230 shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. 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 Texas (Mr. FROST) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a customary rule for Tax Code-related legislation. It provides for the consideration of H.R. 4199, the Date Certain Tax Code Replacement Act. H.Res. 473 provides that the bill be considered as read and that the text of H.R. 4230 shall be considered as adopted. The rule further provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of minority Members of the House.

Mr. Speaker, what we have learned after 87 years of the current system is this: if we had sat down at the beginning of 1913 and asked ourselves how could we build a tax system that would punish people for earning and working hard, a system that would be obstructive of capital formation, we could not have done a better job. Our tax system is the largest impediment to people moving from the first rung of the economic ladder to the second, because the harder you work, the more you save, the more you invest, the more we take. It is a system that is inefficient. We have seen testimony from the Kemp Commission to Harvard studies that says for a small business man or woman to comply with the code and to collect and remit $1 in business income taxes, it costs them anywhere from $4 to $7.

The current code is not understandable. Our own IRS tells us that if you call the IRS for help in filling out your own tax return, 25 percent of the answers they give you will be given in error. Over 50 percent of Americans have to pay others to decipher the Tax Code and do their taxes for them. In an effort to show how complex the IRS code has become, Money magazine created a fictional American family and asked tax professionals to prepare an IRS tax return. Incredibly, every one of the tax professionals came up with a different tax total, and not one of the tax professionals calculated what the editors of Money magazine believed to be the correct income tax.

The current code invades the privacy of every single American citizen. There are 100,000 people at the IRS who know more about us than we are willing to tell our children. I want them out of our lives. These are not bad people. They are people doing the job that this Congress by statute has directed them to do, but we should not have any agency of government that knows how much money you make or how you spend it. That should be none of our business. We should not have anybody who can look into your records and know your history. The government should not be looking over your shoulder counting every dime you earn. Unfortunately, to the IRS we are all presumptive tax criminals, required to open up aspects of our lives to auditors at any given moment.

□ 1330

For all of these reasons, we are here today to debate and pass H.R. 4199.

What the legislation before us today does is to sunset the current Tax Code effective December 31, 2004, and require that Congress approve a replacement system no later than July 4, 2004, to ensure a smooth transition to the new system on the first day of 2005. This legislation also establishes a bipartisan National Commission on Tax Reform and Simplification that is required to report to Congress on a new, fair, simpler Tax Code.

The overall intention of this bill is to do three things: One, sunset the current convoluted Tax Code; two, create a commission to consider alternative tax systems; and, three, foster a national debate on how to create a fair tax system for working Americans.

This is not a jump over the cliff, as some will say. There are several proposals before the Congress now that have been carefully thought out. The gentleman from Texas (Mr. ARMEY) has one that he has written a book about, the gentleman from Louisiana (Mr. TAUZIN) has one that he has pushed for several years, the gentleman from Pennsylvania (Mr. ENGLISH) has a very thoughtful proposal, and I have one too. All of these are ready to be placed in place. They are different, but every single one is better than the current system.

Mr. Speaker, my bill, H.R. 2525, that I introduced with my friend the gentleman from Minnesota (Mr. PETERSON) is a comprehensive tax reform bill. The national retail sales tax would put in place a transparent form of taxation that will end the confusion forever. This bill is known as the Fair Tax. It would repeal the Federal income tax, the capital gains tax, corporate and self-employment taxes, all payroll taxes, including Social Security and Medicare taxes, all estate and all gift taxes. Under the Fair Tax, Americans will be able to see exactly what they are paying in taxes, and the embedded costs of the IRS would be gone, because the IRS would be gone. Americans would be able to take their entire

check home with them and the IRS would be shut down. Unlike the relatively simple tax return that you would get if we move toward a flat tax, under our system we would have no tax return at all, and you would never have to keep a receipt or a record, not one.

Let me simply say that any of these proposals, as I said earlier, any of these tax reform changes would be better than the current system.

I welcome the debate that will spread across America as we determine how to install a better system. All of us who introduced the legislation, the gentleman from Texas (Mr. ARMEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Pennsylvania (Mr. ENGLISH), and I simply want to give Americans a fresh break from a tired and unfair old system.

Also I wanted to commend the gentleman from Oklahoma (Mr. LARGENT) for his work in crafting this legislation today. The product he has crafted will effectively prompt the national debate on this important issue, and it should be supported in the House today.

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

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

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

Mr. Speaker, the Republican majority has obviously decided that it is in their best interests to govern by press release rather than to actually work to pass legislation that addresses the most important needs of our great Nation. This bill, the so-called Scrap the Code Act, is a perfect case in point.

Mr. Speaker, there is not a single Member of this body who is not acutely aware that this weekend marks the deadline for the annual ritual Americans hate most. In order to suitably take advantage of the possibilities for press releases that April 15 presents to my Republican friends, this week has seen a schedule jam packed with Tax Code-related legislation. But, Mr. Speaker, why is it that two of the three tax-related measures that have been on the floor this week lend themselves more rapidly to press release, and, in the case of today's bill, a bumper sticker, of course, than to actually doing something that will provide real benefit to real people?

Mr. Speaker, Democrats in this body have said over and over again that the tax policies being pursued by the Republican majority serve the few at the expense of the many. It has been shown again and again that the American public agrees with our assessment. Democrats and the American public should view this latest proposal as the height of fiscal irresponsibility.

This is no benign press release; it is a nightmare waiting to happen. It is a creation of uncertainty in the business world that risks further stock market destabilization, and, with it, derailing of the American economy.

I would submit, Mr. Speaker, if the Republican majority in this body was truly serious about reforming the Tax Code, the past 5½ years have provided ample time to accomplish this. They could have brought a bill to the floor at any time during the last 5 years to change the Code in a sweeping way, and they have chosen not to do so.

Our colleague the gentleman from Oklahoma (Mr. LARGENT) contends that H.R. 4199 is a vastly improved version of his earlier legislative attempt to scrap the Tax Code. He has provided us with a new name for his legislation, a name that implies by a date certain the current code will indeed be replaced. This is indeed good fodder for a press release or two.

The gentleman from Oklahoma has also provided us with a colorful time line indicating who will act when, including the date July 4th, 2004, when Congress will approve a new Tax Code, thus setting the stage for the demise of the old code on December 31, 2004. The dates also lend themselves quite well to press releases. Of course, sometimes Congress does not act by dates, and what the gentleman from Oklahoma (Mr. LARGENT) would have us do is establish a date, and, if Congress were not able to act by that date, then there would be no Tax Code in effect at all and the business climate of this country would be substantially interrupted and jeopardized.

Again, let me point out the Republicans have had 5½ years to bring a revision, a rewrite of the code to the floor, and they have not chosen to do so during that time.

Mr. Speaker, I am not here to say that it is impossible for Congress to completely revamp the method by which we fund the important and necessary activities of this country by July 4, 2004. I would merely like to remind my Republican friends that with political will and a lot of hard work, this Congress can accomplish many important tasks that will make our country even better.

So perhaps this might be an appropriate time to ask why there seems to be no political will on the part of the Republican majority to address matters that are also of great importance, like a Patients' Bill of Rights, prescription drug coverage for seniors, public education reform, raising the minimum wage, investing in our future by saving Social Security and Medicare, and paying down the public debt. Resolving these issues will take real solutions and hard work, Mr. Speaker. These issues cannot be resolved by issuing a press release. If the Republican leadership cannot work to find an answer to these pressing questions, how can we expect the Republican leadership to resolve the issue of creating a simple and fair, and the key word is ''fair,'' Tax Code?

Mr. Speaker, this proposal sounds good on paper and in a press release, but you really have to be able to read between the lines to understand the real intent. H.R. 4199 is a classic Trojan horse, Mr. Speaker. To the Republican majority, the bill presented by the gentleman from Oklahoma (Mr. LARGENT) represents an opportunity to force the country into accepting a national sales tax, as the gentleman from Georgia (Mr. LINDER) would propose, or a flat tax, or some other scheme to risk total chaos in the domestic and world markets.

Let us take a moment to examine what a national sales tax as advocated by the gentleman from Georgia (Mr. LINDER) would mean to working Americans. In order to replace the revenue that will be lost from scrapping the current code, however unwieldy and complicated, the Congress would have to pass a national sales tax of up to 60 percent, and that sales tax would also have to apply to the Internet, something which the Republicans recently have been claiming they do not want to do. By repealing all taxes currently in place, the national sales tax scheme would become the sole funding source for Social Security, which is a big part of the reason the percentage rate would be so high. I am forced to question how fair that kind of a tax would be to American families. In fact, such a tax would be a mammoth aggressive shift of the tax burden in this country.

Mr. Speaker, I have a number of requests for time on this rule, and each of these Members are prepared to detail the bad news that this Republican press release is really peddling. But let me close by saying the scheme behind the proposal of the gentleman from Georgia (Mr. LINDER) could result in 8 million Americans losing health insurance, a 17 percent decline in the value of the U.S. housing market, it could impose a $200 billion per year unfunded mandate on State and local governments, and would dramatically reduce the amount of charitable giving. Mr. Speaker, I doubt if these possibilities will be part of the Republican press releases this weekend.

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

Mr. LINDER. Mr. Speaker, I regret the gentleman characterized my bill without having read it.

Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. LARGENT) to respond to another inaccuracy of the gentleman.

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

Mr. Speaker, I would just like to respond to one thing that the gentleman from Texas said about the bill, and I would commend reading the bill to the gentleman from Texas. Perhaps he does not have time to read all 10,000 pages of our current Tax Code, but this bill is only 14 pages long, and I think he can wade his way through that.

At the end of the bill it says, ''If a new Federal tax system is not so approved by July 4, 2004, then Congress shall be required to vote to reauthorize the current code.''

If the gentleman from Texas would like to vote to reauthorize the current code, he can do that, thereby assuring all our business community friends that there will be a Tax Code.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman knows that just requiring Congress to vote does not mean that something will pass. Congress votes all the time and defeats legislation. The gentleman would have us vote, but he cannot guarantee that Congress would actually pass anything, and we would be faced with a situation where no Tax Code would be in place.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

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

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the rule and the Date Certain Tax Code Replacement Act. I can think of no other issue that strikes up more anxiety and frustration with the American people than taxes. By passing this rule and this legislation, Congress is committing to the American taxpayer to replace the present code that is commonly viewed as obsolete, burdensome, intrusive and unfair.

I am fully aware that many of my colleagues do not consider this an important issue. We have just heard the arguments once again, it is too risky, it is a scheme, total chaos.

We do not need any more excuses, because a lot of us here in America are wrestling with this modern cyclops, the IRS code, as we speak. We are doing our taxes. The Tax Code is a giant, with more pages than the Bible. It is more complex than the Justice Department's case against Microsoft. It is cold, it is heartless, and it punishes almost everything we consider successful. It costs us $300 billion a year just to prepare our taxes, not to pay our taxes, just to get ready to pay our taxes.

This Tax Code is a ball and chain locked on our leg. But there is hope. There is a solution, and it is in this rule and in this bill. Let us set a specific date to rid ourselves of this ball and chain, the IRS code. That will give us the discipline and the incentive to put in place a fair and flatter system to provide for those things we need.

Mr. Speaker, I encourage my colleagues to vote for this rule and vote for this Date Certain Tax Code Replacement Act.

Mr. FROST. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, all of us who recognize the importance of the new economy and who believe we should encourage its expansion by minimizing regulation and taxes and maximizing the freedom to innovate should join together today to express our concerns.

This cleverly packaged proposal that the Republicans are offering is really the very first vote in this Congress on whether to impose a new Federal tax on electronic commerce. I believe we should resoundingly reject it. Through 3 days of hearings this week before the Committee on Ways and Means, on which I serve, the same Republicans who are here today urging this proposal have been urging us to rely on taxation of electronic commerce as a major new source of Federal revenue.

The Republican-appointed Director of the Joint Committee on Taxation issued a report this very week noting that these new Republican tax proposals assume ''that retail sales through the Internet would be subject to the same Federal tax as other retail sales, notwithstanding the current moratorium.''

This same report notes that in order to maintain the existing level of Federal revenues, the tax that Republicans would impose on Internet sales and on sales across America would be 59.5 percent over 10 years. That is 60 percent. Those are not my numbers, those are the Republican numbers. I know that it sounds unbelievable that a Republican Congress would try to do this, but that is exactly what they are proposing, a 60 percent tax, in addition to any State and local taxes on electronic commerce that might be imposed.

□ 1345

To our Republican colleagues who say they are going to pull the Tax Code up by the roots and replace it with this new e-commerce tax, I want to tell them that Americans who understand the new economy are not going to sit idly by while the Federal government imposes a 60 percent tax, a 60 percent addition on the cost of every online purchase.

I believe that high-tech issues should be truly bipartisan in their consideration.

The problem we have too often experienced from the Republicans on behalf of working together on high technology is that they reject bipartisan approaches. They prefer the politics of division, trying to divide Democrats from high-tech, even on issues as esoteric on digital signatures.

Too often, as is the case here, they bear the burden of all their right wing ideological baggage. They have tied themselves to far right social groups who are endangering our educational system with their insistence on rejecting evolution and the big bang theory of the origin of the universe, and it is those kinds of extremists who come here today insisting that Republicans must adhere to the doctrine that the progressive income tax system upon which this great Nation has relied for almost a century, that any form of this tax system is morally wrong.

As an early supporter myself of the Internet Tax Freedom Act, I believe that if we overburden e-commerce, as they propose, with taxation and regulation in its infancy, it will be stifled. It will never be able to achieve its full economic potential.

The Advisory Commission on Electronic Commerce, which has been meeting this past year, could not achieve agreement on the question of State and local taxation of the Net. But I do not believe that even they considered this much more radical Republican alternative of the gentleman from Georgia (Mr. LINDER) and his colleagues to use the Net as a major new source for Federal taxation.

Imposing too heavy a burden on the Net too soon will have devastating consequences. Do not scrap the Code by scrapping the future of the new economy. Let us reject another misguided doctrinaire Republican proposal.

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

Mr. Speaker, in a world in which all economists admit that the consumption base is larger than the income base and the average income tax to bring our revenues in is 28 percent, to suggest we have to have a 60 percent larger base is just silliness.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I think this is the very reason for this Code. We have heard the view of the left-wing extremists about the Tax Code. They think the present Tax Code is just real spiffy.

We have also heard the numbers: 17,000 pages, 7 million words, 54,000 changes, $134 billion in earlier compliance costs. Let me state that the last figure, $134 billion in compliance costs, imagine what our families, our small businesses, and even our big corporations could do with $134 billion they are spending on a hopelessly complex Federal Tax Code.

I think this is the greatest legacy this Congress could leave the American people is to scrap the Code we have now, get rid of the IRS as we know it now. Everywhere I go, talk radio, town meetings, when this subject is brought up, there is disagreement on what the new tax system should be, but there is almost no disagreement about getting rid of the present system.

No law-abiding citizen should be intimidated and made fearful by their government. Yet, if one gets an envelope in our mailbox, in our area it is from Ogden Utah, a little brown envelope from Ogden, Utah, we know it is from the IRS and we freeze in utter fear, no matter how honestly and carefully we have filled out our taxes, because we know we are probably about to get an audit.

That is not right. We need a fair, we need a simple code that we can all understand and it will make us not fear our government. We need to pass this bill and we need to pass this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

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

Mr. GEPHARDT. Mr. Speaker, April Fool's day for the Republicans came a couple of weeks late. Every year they try to fool the American people during tax week into thinking that they are really doing something about the tax system that all of us struggle with and none of us are fond of.

Are the American people supposed to believe that the party that is throwing a party for their wealthy friends and supporters with nearly $1 trillion in tax breaks really cares about the tax burden on middle-income families? Do Republicans really think that most Americans would rather throw a party for the wealthiest Americans, instead of using this money to provide a prescription drug benefit for all seniors so that everyone, not just the wealthy, can afford the best health care coverage in the world?

The American people are not fooled by this tired routine. Republicans have controlled Congress now for 5 years, yet during this time they have never, never passed any comprehensive tax reform that would make the lives of Americans easier.

In fact, since the Republicans took over the Congress in 1995, the Tax Code has become more complex, and it takes the average person who files a form 1040 30 percent longer to fill out their forms. They talk about it for a couple of weeks in April, but that is the end of it. There is no follow-through. There is no new code coming into being.

One conclusion from the inaction could be that Republicans actually like a Tax Code that is riddled with special interest exemptions and they want to keep it that way.

This bill proposes ripping out the Tax Code by the roots, but does not put anything in its place. We do not reform the Tax Code by appointing a commission. We do it through the hard work of coming up with real reform, a real alternative, not burning down the current one and just hoping that something might come along.

Many of us have proposed tax simplification. I have done that, and I would like to work a plan through the Congress. That is the responsible way: Put forward a plan, let people criticize it, reform the current system. Republicans would rather pull a stunt to create an illusion that there is reform going on when nothing is actually happening.

What would happen if we just abolished the Code and put nothing in its place? It would be an economic disaster. The Tax Code influences so many economic decisions by businesses and individuals: Whether and when to invest in property, whether or not to save, whether or not to sell stocks. If we rip up the rules with indecision in its place, we create chaos. That is why the National Association of Realtors, the National Association of Manufacturers, have condemned this proposal as irresponsible.

Let us be clear about what we want from a new system. Two prominent Republican proposals, the national sales tax and the flat tax, both would hurt middle-income families in serious ways. If we are going to destroy the Code, let us pledge today that the replacement would be an improvement, not worse than what we have.

Let us join together on a bipartisan basis to declare that the new system should do the following:

First, we should not put a retail sales tax on prescription drugs and other health care services;

Second, that the reform should be fiscally responsible and protect social security;

Third, that it should be less complicated than the current code, and should be fair to people at different income levels;

Fourth, that we should not put a retail sales tax on Internet sales;

Fifth, that we should not shift Federal tax burdens onto State and local governments;

Seventh, we should not jeopardize the ability of people to get employer-paid health care;

Lastly, we should not shift the tax burden to low- and middle-income families.

If Republicans agree with these principles, they should vote for our alternative. If they feel compelled to vote against the alternative of the gentleman from New York (Mr. RANGEL), it is fair to ask why they are looking to tax prescription drugs and Internet sales, because that is exactly what the Republican national sales tax would do.

I think it is time to vote for the alternative. If the alternative does not pass, I hope Members will vote down this very bad but often repeated idea.

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

Mr. Speaker, let me just say, it is hard to take seriously the words of a gentleman who introduced a flat tax with five different levels several years ago.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the measure under debate today and in support of the rule.

Our Tax Code, the one that we currently live under, has been tweaked and modified and transformed to such a point that all that remains is layer upon layer upon layer of incoherence and inconsistency. We have allowed confusion to replace common sense. Our garden has become so overrun with weeds that we do need to tear it up and start anew.

I have heard several of my colleagues today express their concerns about tearing our Tax Code out by its roots. I guess I cannot fault them for their hesitancy. This is a monumental piece of legislation we are considering. As we work in the coming years to craft a new Tax Code, this legislative body will have no choice but to accept accountability for how much of the American family's paycheck the Federal government collects, and for all of the frustrations that they have to experience in filing their tax returns.

For those Members who prefer big government and increased Federal spending, that will be a heavy burden for them to bear, as well it should be. But please, Mr. Speaker, do not be fooled by those today who try to dismiss this measure that we are debating as a political act. This bill does not establish a new tax policy. We will have plenty of time to determine what policy we should pass once we have begun debate on this bill. Where we will have time to adopt a realistic tax policy.

Committing ourselves to replacing an overwhelming and inconsistent Tax Code is not a political issue, it is about making a promise to the American people that is long overdue. Passage of this measure clearly proclaims to American families in every congressional district that we know this Tax Code is broken, and that we are going to do everything that we can to replace it with one that works.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, let us be very clear what is going on here. We have a group of Fidel Castros and Che Guevaras on the other side. They are revolutionaries. They want to tear down the system, but they have no plan. They do not know how to govern. They have had 5½ years to bring a revision of the Tax Code to the floor and they have not done it. What makes us think they will do it now?

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, we all got here the same way, we campaigned. During the campaigns we waged there were all kinds of political buttons, there were yard signs, there were balloons. Some people had hair combs with their names on, nail files. Of course, there is the traditional bumper sticker.

Today what is being brought to the floor of the House in my view is a political bumper sticker. Why do I say that? Because the American people really want us, once that campaign is over, to come here, to be thoughtful, to work with the kind of earnestness that is going to produce sound public policy for our country.

So what is on the floor? What are we debating for the American people that are tuned in today? Rather than a thoughtful, comprehensive alternative to our Nation's Tax Code, which is complex, which is confusing, and no one likes, we get a bumper sticker. It is flimsy because it is trying to sell a tax plan that taxes the Internet and derails our Nation's new economy.

Yesterday there was a large press conference where the Speaker of the House accepted the report of the Internet Tax Advisory Commission, which

recommended that the Internet not be taxed. The Speaker said, we intend to take this report seriously.

Today, at this very moment, while we are here on the floor, the very same time, the chairman of the Committee on Ways and Means is holding a hearing where another Republican Member of Congress is testifying in favor of a national sales tax plan that will tax the Internet.

Representing a good part of Silicon Valley, I want to tell the Members something, my constituents are asking right now, who is on first, who is on third? This is a 59.5 percent sales tax, Federal sales tax, not including State or local taxes, on electronic commerce.

We cannot have it both ways. If we are going to pull something out by its roots, we have to plant thoughtful seeds that are going to produce something else for our Nation. Our Nation's economy, this new economy, is the envy of the entire world. If in fact we pile a 59.5 percent Internet tax on electronic commerce in this country, we will not only sink the Internet, sink the golden goose that is producing something for our Nation, but we will absolutely kill it off.

So I ask my colleagues to reject this political bumper sticker, this ill-conceived plan. Our Nation deserves better.

□ 1400

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

Mr. Speaker, I want to say only this: those who choose to not put a sales tax on the Internet are picking winners and losers. The Government ought to be neutral. Our neighbors down the street ought to have the same treatment as the people that sell on the Internet in competition with them.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

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

Mr. Speaker, I rise today in support of both the rule and this bill. Today is a good day because today is the day we learn which party really supports ethics and government reform, because this is where reform truly begins.

One cannot, one cannot, seriously and sincerely be in favor of reforming the so-called iron triangle unless you strike at its heart. What is the iron triangle made out of? The Tax Code. That is why the Democrats and that is why the establishment hate this bill so much, because it goes to the heart of their iron triangle.

Listen to the excuses they make; listen to how they try to change the subject. The truth is, what is it that Washington special interests focus on most? They focus on the Tax Code, because this Byzantine, complicated, confusing and complex Tax Code is such a monstrosity that it is this Tax Code where they can hide their special interest favors. That is why they support the current Tax Code. That is why they do not want the Tax Code scrapped. That is why they want to change the subject.

So I say to my colleagues, if they are truly in favor of ethics reform and government reform and changing the system and changing America, they must support this rule, support this bill, and let us launch ourselves on the real road to reform.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I am not a member of the Committee on Ways and Means and generally do not get terrifically involved in issues of taxation except when I, like all the other Americans, pay my taxes once a year. I know that I join many in America by saying that I do not like the current system. April 15 is not a delightful day, and I think we can agree on that on a bipartisan basis.

However, the fact that the current Tax Code could be improved is really no good reason to propose to simply blow it up and thereby threaten the new economy.

Now when I learned that the Republican-appointed director of the Joint Committee on Taxation had issued a report this week indicating that these proposals would require a 59.5 percent sales tax, well, heck let us round it up to 60 percent sales tax, and that that would have to be including Internet sales, I became actually pretty concerned.

I do not really believe that this measure is going to become law; but if it were at this point, it would have a severe negative impact on the new economy.

There are many who believe that the Internet eventually, the sale of goods on the Internet, will eventually be subject to taxation. I do not have a position on that at this point, but to suggest that a 60 percent taxation rate would be appropriate for the Internet can do no good for the new economy.

Having served 14 years in local government, I would note that this would be on top of whatever local governments do. In my own county of Santa Clara, the Silicon Valley, we have a State sales tax of 6 percent; and we also have some voter-approved sales taxes that the voters have imposed on themselves to do highways and transit. So in Santa Clara County this would be a 68 percent Internet sales tax.

I would urge Members to vote no.

Mr. LINDER. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. PORTMAN), from the Committee on Ways and Means, to respond.

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

Mr. Speaker, I just want to make the point to those in the Chamber and those who might be listening that the folks on the other side of the aisle who are talking about this bill must not have read it. This bill has nothing to do with a sales tax, nothing to do with a 60 percent tax or a 20 percent tax or a 5 percent tax.

This is about forcing Congress to deal with what the gentlewoman just said is a flawed Tax Code. We think it is broken. We think it ought to be fixed. We are not prejudging what it should be. This sets up a commission, which would be an 18-month bipartisan, bicameral commission, including the administration, that would analyze this situation and come back and report to Congress for Congress to make that decision.

I just want to clarify the debate.

Mr. FROST. Mr. Speaker, I would inquire of the time remaining on each side.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Texas (Mr. FROST) has 13 minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 14½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, there is nothing as absurd as blowing something up if one does not know what they are going to have to replace it. Today, the Committee on Ways and Means is considering a national sales tax as if it is a panacea for complexity and unfairness.

Mr. Speaker, for 6 years I headed the largest sales tax agency in this country, and I am here to testify that the sales tax offers an opportunity at every level for complexity, unfairness, special interest provisions. Everything that is hated about the Internal Revenue Code will be brought in to a sales Tax Code if the reasons for that complexity are not defeated, the reasons for that unfairness, and there is not real campaign finance reform.

What does this closed rule do? It prevents us from bringing section 527 and its unfair rules that hide political activity, prevent disclosure of campaign finance to the American people. So we have a rule designed to facilitate, not reform, but a national sales tax system to be implemented by a Congress put there by secret contributions, secret political organizations.

Mr. Speaker, we should instead be trying to reform our tax laws code section by code section.

This rule and the underlying bill is much sound and fury that will signify nothing, because what does a politician do if they want to do nothing? Appoint a commission. Great. We appoint a commission. It comes through with a national sales tax bill at 59.5 percent. We, of course, do not adopt that; and this Congress will be put in a position, having wasted years, having deflected any effort at real income tax reform, and be in a position where it must either let the Government expire or readopt a flawed Tax Code.

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

Mr. Speaker, at the risk of sounding remedial, I would like to point out to

the previous speaker that this is not about campaign finance.

Mr. Speaker, I yield 2 minutes to the gentleman from Staten Island, New York (Mr. FOSSELLA).

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

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

Mr. Speaker, I think the question that we need to ask ourselves and the question that I think we owe to be answered by the American people is, does anybody in this Nation truly understand the Tax Code? I have yet to find anybody who truly understands the Tax Code.

So then we have to ask a follow-up question: Is that right? Is it right for the American people not to understand their own Tax Code; that the taxi driver or the small business owner or the nurse or the teacher that when they get their tax bills at the end of the year and they are trembling when they have to go see an accountant because they have no idea what they are doing; is that right?

Should the Congress be sending out a signal to the American people, here is the Tax Code and we do not care if they do not understand it? Is it not taken for granted the genius of the American people, the spirit of the American people, the productivity of the American people, the creativity of the American people, and then we give them this Tax Code?

Then we have a reasonable approach that says, know what, Congress has a habit too often of imposing mandates on the private sector, to say to the private sector do this by such and such a date, and we do not care what the costs are, we do not care what they have to do to meet those goals. Congress speaks; they do, they follow.

Well, now Congress, some people in Congress, are urging Congress to impose those standards on itself, to say to the American people we hear their plea, we hear their plea that the Tax Code is too complicated. We are going to give them a Tax Code that they can understand.

What is wrong with that? One would be led to believe that this building is going to crumble, that the world is going to fall apart; but in reality what is going to happen is the responsible people in this House and across our country are going to say give us something simple; give us something that encourages productivity, encourages economic growth and does not penalize the hardworking taxpayers of this country.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the previous speaker was asking about simplicity and how do we understand all of this.

Let me read a memo from the Joint Committee on Taxation. This ought to be simple enough for the gentleman to understand.

The memorandum is in response to their request for an estimate of the budget neutral tax rate for H.R. 2525. That is the bill of the gentleman from Georgia (Mr. LINDER), a bill to replace the current U.S. corporate and individual income, estate and gift and Federal income contributions act, payroll taxes, with a flat tax on retail sales of all goods and services.

Then on the second page it has a little chart here, neutral over 5 years, 59.5 percent. That is what they want to do, neutral over 5 years, national sales tax 59.5 percent. I believe the American people can understand that.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in strong opposition to this rule. I represent thousands of Oregonians that work in the high-tech industry. They tell me that the best way to encourage expansion of the new economy is to minimize government regulation and maximize a freedom to innovate. That is why high-tech issues should be considered on a truly bipartisan basis, and to date we have done that.

In October of 1998, we overwhelmingly passed the Internet Tax Freedom Act, a law to keep the heavy hand of government off the Internet. We passed this law because we all know that if e-commerce is overburdened by taxing it and crippling it with government regulations, then it will never achieve its full potential.

Then we turned around and last October overwhelmingly approved another bipartisan measure, the Global Internet Tax Freedom Act, to keep the Internet from being taxed by members of the WTO and the United Nations.

That is why I am so disappointed the House leadership would approve this proposal because it is nothing more than a back-door attempt to impose a new Federal tax on electronic commerce. We have absolutely no business scrapping our Tax Code and replacing it with up to a 59.5 percent national sales tax that would give the IRS jurisdiction over the Internet.

I am not fond of the current system, and I will work to reform it; but this defies all common logic. It is a surefire way to ensure that we cripple the development of our high-tech industry.

I urge my colleagues to reject this rule and support common sense, bipartisan tax relief.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, America was founded by revolutionaries. America has a $300 billion trade deficit. I agree with the gentleman from Missouri (Mr. GEPHARDT), the Tax Code is designed to modify economic behavior, and that is why we have to throw it out. If the Founders wanted to modify economic behavior, they would have hired someone like Sigmund Freud to write it.

The first Constitution allowed for slavery, treated women like property and Indians like buffaloes; but it had enough good sense to not allow an income tax.

When the income tax was brought forward, the Supreme Court struck it down, and Members of Congress screwed it up with an amendment.

I support the rule. I support the bill.

Now the Linder-Peterson bill may have been scored but they are honest. They throw FICA in. The Tauzin-Traficant 15 percent has not been scored. We leave FICA alone, and so help me God a combination of Linder-Peterson/Tauzin-Traficant will be the law of this land.

Now I can remember coming before the Democrats, and they all laughed at me. The Traficant bill would change the burden of proof in a civil tax case. It required judicial consent. They laughed at me. You never gave me a hearing. The Committee on Ways and Means laughed in my face. I want to thank the Republican Party for including the Traficant bill in the IRS reform.

Now Democrats, listen to what the Republicans did for the American people. In 1997, before the new reform law, there were 3.1 million attachments on wages and accounts.

□ 1415

In 1999, 540,000. Property liens, 1997, 680,000. In 1999, Mr. Speaker, 168,000. But listen to the big one. Life, liberty, and pursuit of property. The last amendment to the document we are talking about was life, liberty, pursuit of happiness, I say to the gentleman from Oregon (Mr. WU). Property seizures, 1997, 10,037. Requiring judicial consent, 161 in 1999.

My colleagues were wrong then. They are wrong now. They are going to be in the minority for a long time if they do not get progressive. Scrap this Tax Code. It will give King Kong a hernia. It rewards dependency. It penalizes achievement. It subsidizes illegitimacy.

What can we do to perfect this bad document? The 15 percent national retail sales tax leaves FICA alone. It exempts all property taxes up to the poverty level. It adjusts the Consumer Price Index that, if it affects seniors, the COLA will be increased. They are scoring it now.

The gentleman from Georgia (Mr. LINDER) and the gentleman from Minnesota (Mr. PETERSON) have been honest. They throw FICA in. We do not. We think we have got to study it. We have enough time in 5 years to change this code.

Let me say one last thing to Democrats, 25 percent of a manufactured item's clause is complying with the Tax Code. That Toyota made in Japan has a 25 percent advantage right off the start against my Cavalier in Lordstown. I will have no more of it. Damn it, I want a study. I want it to be known that there is a Democrat involved in the national sales tax that leaves FICA alone for now, and Tauzin-

Traficant-Linder-Peterson must get a look, or we will have failed our people.

There is one last thing I would like to say to everybody in this room. We have a $300 billion trade deficit. We are not going to solve it modifying economic behavior.

We abolish the IRS, abolish all income tax, abolish all debt taxes, capital gains taxes, all taxes on savings, all taxes on investment, all taxes on education. Why should we be paying double taxes on an income dollar and then a dollar of savings. Beam me up here.

The American people are going to have to change the Tax Code. My colleagues should make it a part of the presidential debate. Because the Democrats do not have enough anatomy to address the progressive thinking that the American people need.

The Tauzin-Traficant bill is going to be scored. If my colleagues continue to scare people with the 59.5 percent, and, personally, I believe they were smoking dope when they gave it, then they are going to have a hell of a rough time with me.

I urge the Congress to overwhelmingly support this rule and to support this bill. The Democrats who would not listen to the burden of proof and judicial consent, they should pay a little attention and get on board. They might be able to help us make this new scheme a better one for all Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The gallery is advised that they are not supposed to applaud.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I agree with everyone who thinks that the current Tax Code is broken. I am on the committee. Let me say at the outset how hard it is to reach a consensus for any change in the Tax Code.

The Republicans know they have been in charge 5½ years now, and it is just not easy when one is running a train to reach a consensus. We cannot reach a consensus on things that the American people seem to have a consensus about. The danger of this approach, in my view, is for that very reason.

If we enacted a bill that did away with, pulled it out by its root, as has been said, on a day certain, and that Congress at that later date could not reach a consensus on what ought to replace it, we will throw, not only this country, but the world into a recession in the likes in which, in my judgment, have never been seen, because of one thing, the uncertainty of the American economy.

As bad as this is, and we must continue every time we meet to work on making it simpler, making it fair, all the things that everybody here agrees on, as bad as that is, the uncertainty injected into the markets, the uncertainty injected into what would happen to the American dollar, the bedrock of international currency if this actually took place is, in my view, appalling.

No sane, rational business person would say scrap it, but then we will just take a look and see whether what we can come up with a consensus on to replace it. That is not a thoughtful way to go about the Nation's business as stewards.

I tell my colleagues, this is a nice exercise in bashing the Tax Code, and I will join in on that one every day. But this approach, when we do not know if we can reach a consensus, in my view, is not only dangerous, but it is counterproductive.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. THUNE).

Mr. THUNE. Mr. Speaker, let me just say that this time of year, there are millions of Americans who are sitting in their living rooms and their kitchen tables and going through this process that we do annually, the annual ritual of filling out their tax return and thinking to themselves this is absolutely insane.

There is no justification. It is absolutely indefensible what we ask the American people to do to comply with the Tax Code. One looks at what we spend in terms of resources and time and energy, cost, it costs over $200 billion a year just to comply with the Tax Code in this country. Annually, Americans spend over 5 billion hours filling out IRS forms, equal to about the equivalent of almost 3 million people working full time, doing nothing but complying with IRS paperwork.

There was a poll done about a year ago, Mr. Speaker, which asked the question, ''If you could just choose one person to have audited by the IRS, who would it be? Your mother-in-law? Your boss? Or your congressman?''

The mother-in-law ironically only got 3 percent. The boss got 8 percent. The congressman got 68 percent. People in this country are looking for us to help solve the problem.

If my colleagues cannot take the legislation that has been introduced by the gentleman from Oklahoma (Mr. LARGENT) who has accommodated a lot of the concerns that were raised by our colleagues in the last session of Congress, and address those, they cannot be against that without saying I accept the status quo. The status quo, in my opinion, Mr. Speaker, is a national tragedy.

We have to do better because the American people deserve better. They deserve a Tax Code that is simple and clear and fair and in which they do not have to be fearful every year when they go through this process of trying to fill it out that they may be audited by the IRS for something they do not even know about, because we go through the ritual of adding to and the myriad and the Byzantine regulations and the number of laws that are consistently put on the books each year to try to make this thing more complicated.

We have a responsibility to the American people. I urge the adoption of this rule and the passage of the bill.

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 6½ minutes remaining. The gentleman from Georgia (Mr. LINDER) has 5½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

The other side has used words like absurd, Byzantine, ludicrous to describe the Tax Code. There are a lot of problems with the Tax Code. I would only add one word to that, and I would apply it to the other side, that is ''timid.''

They are too timid to bring a real bill to the floor that actually changes the code. If my colleagues want a change, they control the committee, they control the process here, albeit temporarily, bring a bill to the floor that changes the code.

They do not have, one of the other speakers made some reference to anatomy. I would only say they are very, very timid when it comes to actually solving the problems that face this country.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time. I thank the gentleman from Ohio (Mr. TRAFICANT) for his premature recognition. To further discuss what the gentleman from Texas (Mr. FROST) and the gentleman from Ohio mentioned, it is obvious that it was not anatomy that got me here. It was a sound consideration of policy, a measured approach to fiscal responsibility, and basically being responsible and exercising common sense.

Now, I do not like the current Tax Code. I do not know anyone who does. But to toss it out without a replacement is absolutely irresponsible. The business uncertainty that it injects into the economy alone, that uncertainty alone should get this bill tossed.

Even worse, the likely replacement for this, the likely replacement for the current system is a national sales tax.

I would like to say two things about a national sales tax, first of all, its devastating effect on e-commerce. E-commerce is burgeoning right now. It cannot stand the projected 50 percent tax. It would choke e-commerce in its infancy. It would consign e-commerce to an early crib death.

Secondly, and perhaps more importantly to me and to a few other folks, my home State of Oregon does not have a sales tax. We have voted on it several times, and we have repeatedly rejected a sales tax. Alaska does not have a State sales tax. Delaware does not have a State sales tax. Montana does not have a State sales Tax. New Hampshire does not have a State sales tax. My dear State of Oregon does not have a State sales tax.

I will be darned if I will see a Federal Government impose a form of taxation

on my State that my constituents have repeatedly rejected.

Mr. LINDER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT), the sponsor of the measure we are about to take up.

Mr. LARGENT. Mr. Speaker, I would just like to say that I have been the husband of one wife for 25 years, the father of four children that are productive members of our community, been elected to Congress three times by overwhelming majorities, and I feel like that is some kind of track record on being a responsible person.

But sometimes it takes some irresponsible acts, some radical acts to make some changes that are needed. I would tell my colleagues that there would be many people that were probably in this House Chamber that said that dropping a bomb on Japan to end World War II, at least precipitate the end of World War II, was a radical act, and that we need to think about that, that we need to be more responsible. But, no, sometimes it takes something more radical to make significant changes.

I want to tell my colleagues the IRS and the Tax Code are waging a war on our families, on individuals, on small business, on the business community at large.

My colleagues say it would create uncertainty in the markets. What could be more uncertain than the 6,000 changes that this Congress has made since 1986? That is what is creating the uncertainty is the fact that, every time Congress messes with the Tax Code, it gets longer and it gets more complex. It is time to stop the nonsense.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I suppose, unlike some of the debates we have here in this House, that the amazing thing about this debate is that the comments that our colleagues on the Republican side have made confirm all of our concerns about this measure.

Indeed, they defend the principal sponsor of one of these measures to tax e-commerce. The gentleman from Georgia (Mr. LINDER) defends the taxation of e-commerce as a new Federal revenue source. One of his principal supporters testifying in the committee indicated it would be a major source of future Federal revenue.

No one, until this radical proposal was presented here in Congress, has proposed that the Federal Government should rely on e-commerce to finance the operations of the entire Federal Government. There has been considerable debate over whether there should even be State or local sales tax on e-commerce. That is a debate for another day.

But the idea of imposing on top of State and local taxes a major Federal sales tax on all e-commerce is likely to have a devastating impact on e-commerce. These are young companies. These are start-up companies.

Sometimes the true dream of American capitalism is that one can begin in a garage and grow to be a major part of the American economy. Those are the kinds of little companies that are out there that need to be given room to grow. Americans are finding as consumers that there are many opportunities offered through e-commerce.

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These Republicans would come forward and scrap the code by scrapping the new economy, by imposing up to a 60 percent tax on these major participants in our new economy.

Now, they claim that it is not 60 percent; that maybe it is just 20 or 30 percent. Is 20 or 30 percent not enough to alarm anyone who is concerned about whether or not we are going to encourage and develop e-commerce? But it is the Republicans' own analysis by the Joint Tax Committee, issued on April 7 by a Republican-appointed director, who says that the Internet is going to be subject to up to a 59.5 percent tax.

It is the gentleman from Louisiana (Mr. TAUZIN) who testified in writing to the Committee on Ways and Means yesterday that ''all goods and services for consumption would be taxed at the same rate. No exceptions.'' That means, just like the bill of the gentleman from Georgia (Mr. LINDER), that there is no exception for e-commerce.

So the proposal we have today before us is one that scraps the code by transferring the burden on to e-commerce. If my colleagues think that is a good idea, if they want to pay 60 percent, maybe just 20 or 30 on top of every e-commerce transaction, sign onto this Scrap the Code because that is what it is all about.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let us be very clear what this is all about. This is a bumper sticker. That is what we are debating today. We are debating a bumper sticker and a press release. We are not debating action. We are not debating a legislative proposal that would actually help the American public.

I just want to reiterate. If the people on the other side really wanted to change the Tax Code, they have had 5½ years to do it, and they have not brought a proposal to the floor of the House to do that. All they want is the opportunity to give a speech and to issue a press release.

Well, they have had that, and I think the American people should understand that that is all they get out of what is going on today.

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

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the IRS has made criminals of us all, and it is time for it to go away. And that is what this is about, scrapping the code. This is real. Now, it may be a joke for Democrats, who have spent 40 years building up this monstrosity, but this is very real.

And there are some very real proposals to replace it, proposals that have been studied for years. My proposal, which has been ridiculed today, has been studied for over 3½ years, with $15 million spent in universities from Harvard to Boston College to MIT to Stanford to Rice, and none of them came up with a 60 percent tax rate.

Guess who did? A committee whose members have their entire political capital invested, or their intellectual capital invested in the Tax Code. They would lie to get this thing defeated, because we have depreciated their intellectual capital if we get rid of all the income taxes and all the difficulties and the taxes are transparent and easy to understand. They will not be needed any more.

If we get rid of this Tax Code with a single transparent, straightforward, simple sales tax, Americans will know what it costs every time they buy something, what it costs for government. What they are not telling the American public is that currently, as the gentleman from Ohio pointed out, we know that 22 to 25 percent, according to various studies, of what taxpayers currently pay for at retail is the current embedded cost of this tax system.

They would rather have a hidden tax than a transparent tax because they know, if taxpayers saw how much government was costing them, they would rebel and ask us to reduce the role of government in their lives. We are currently paying it. It is hidden. They like that.

This income tax was originally intended and promised to only tax the top 2 percent of the income earners in America. That was the promise that was made in 1913. And indeed, if we think back to the last two tax increases, 1990 and 1993, the promise was made we are only going to raise the taxes on the top 1 percent. Well, guess what? In 1990, the top 1 percent paid $106 billion in taxes. And after the tax increase on them, the following year they paid $100 billion. Because rich people are often smart people, they can find ways to rearrange their income.

But each of these tax increases, that these folks so love, reverberates through the system and we all pay. We all pay. All we want is to get rid of a monstrosity that no one understands; that confuses every taxpayer and keeps hidden what the actual cost of government is, and then let us have a debate on what to replace it with. It may not be my tax bill; perhaps it will be the bill offered by the gentleman from Texas (Mr. ARMEY) or the gentleman from Ohio (Mr. TRAFICANT) or the gentleman from Louisiana (Mr. TAUZIN). But it will be simpler, more understandable, and it will be fairer.

One of my favorite stories about the 1913 debate on the 16th amendment to impose the income tax was that one of the Senators was ridiculed and laughed off the floor of the United States Senate for saying something absolutely

outrageous. He said this: ''Mark my words, before this is over, the government will be taking 10 percent of everything you earn.'' It was considered so outrageous by his colleagues that they ridiculed him off the floor of the Senate.

I feel certain that is what gave fresh meaning to my favorite country western song, ''If 10 Percent Is Enough for Jesus it Ought to be Enough for Uncle Sam.''

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PORTMAN. Mr. Speaker, pursuant to House Resolution 473, I call up the bill (H.R. 4199) to terminate the Internal Revenue Code of 1986, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 473, the bill is considered read for amendment.

The text of H.R. 4199 is as follows:

H.R. 4199

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 ''Date Certain Tax Code Replacement Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to set a date certain for replacing the Internal Revenue Code of 1986 with a simple and fair alternative.

SEC. 3. TERMINATION OF INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—No tax shall be imposed by the Internal Revenue Code of 1986—

(1) for any taxable year beginning after December 31, 2004; and

(2) in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to taxes imposed by—

(1) chapter 2 of such Code (relating to tax on self-employment income);

(2) chapter 21 of such Code (relating to Federal Insurance Contributions Act); and

(3) chapter 22 of such Code (relating to Railroad Retirement Tax Act).

SEC. 4. NATIONAL COMMISSION ON TAX REFORM AND SIMPLIFICATION.

(a) FINDINGS.—The Congress finds the following:

(1) The Internal Revenue Code of 1986 is overly complex, imposes significant burdens on individuals and businesses and the economy, is extremely difficult for the Internal Revenue Service to administer, and is in need of fundamental reform and simplification.

(2) Many of the problems encountered by taxpayers in dealing with the Internal Revenue Service could be eliminated or alleviated by fundamental reform and simplification.

(3) The Federal Government's present fiscal outlook for continuing and sustained budget surpluses provides a unique opportunity for the Congress to consider measures for fundamental reform and simplification of the tax laws.

(4) Recent efforts to simplify or reform the tax laws have not been successful due in part to the difficulty of developing broad-based, nonpartisan support for proposals to make such changes.

(5) Many of the problems with the Internal Revenue Service stem from the overly complex tax code the agency is asked to administer.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—To carry out the purposes of this section, there is established within the legislative branch a National Commission on Tax Reform and Simplification (in this section referred to as the ''Commission'').

(2) COMPOSITION.—The Commission shall be composed of 15 members, as follows:

(A) Three members appointed by the President, two from the executive branch of the Government and one from private life.

(B) Four members appointed by the majority leader of the Senate, one from Members of the Senate and three from private life.

(C) Two members appointed by the minority leader of the Senate, one from Members of the Senate and one from private life.

(D) Four members appointed by the Speaker of the House of Representatives, one from Members of the House and three from private life.

(E) Two members appointed by the minority leader of the House of Representatives, one from Members of the House and one from private life.

(3) CHAIR.—The Commission shall elect a Chair (or two Co-Chairs) from among its members.

(4) MEETINGS, QUORUMS, VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chair (Co-Chairs, if elected) or a majority of its members. Nine members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any meeting of the Commission or any subcommittee thereof may be held in executive session to the extent that the Chair (Co-Chairs, if elected) or a majority of the members of the Commission or subcommittee determine appropriate.

(5) CONTINUATION OF MEMBERSHIP.—If—

(A) any individual who appointed a member to the Commission by virtue of holding a position described in paragraph (2) ceases to hold such position before the report of the Commission is submitted under subsection (g), or

(B) a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, or was appointed to the Commission because the member was not an officer or employee of any government and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 30-day period beginning on the date that such individual ceases to hold such position or such member ceases to be a Member of Congress or becomes such an officer or employee, as the case may be.

(6) APPOINTMENT; INITIAL MEETING.—

(A) APPOINTMENT.—It is the sense of the Congress that members of the Commission should be appointed not more than 60 days after the date of the enactment of this Act.

(B) INITIAL MEETING.—If, after 60 days from the date of the enactment of this Act, eight or more members of the Commission have been appointed, members who have been appointed may meet and select the Chair (or Co-Chairs) who thereafter shall have the authority to begin the operations of the Commission, including the hiring of staff.

(c) FUNCTIONS OF THE COMMISSION.—

(1) IN GENERAL.—The functions of the Commission shall be—

(A) to conduct, for a period of not to exceed 18 months from the date of its first meeting, the review described in paragraph (2), and

(B) to submit to the Congress a report of the results of such review, including recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986, as described in subsection (g).

(2) REVIEW.—The Commission shall review—

(A) the present structure and provisions of the Internal Revenue Code of 1986, especially with respect to—

(i) its impact on the economy (including the impact on savings, capital formation and capital investment);

(ii) its impact on families and the workforce (including issues relating to distribution of tax burden);

(iii) the compliance cost to taxpayers; and

(iv) the ability of the Internal Revenue Service to administer such provisions;

(B) whether tax systems imposed under the laws of other countries could provide more efficient and fair methods of funding the revenue requirements of the government;

(C) whether the income tax should be replaced with a tax imposed in a different manner or on a different base; and

(D) whether the Internal Revenue Code of 1986 can be simplified, absent wholesale restructuring or replacement thereof.

(d) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths, as the Commission or such designated subcommittee or designated member may deem advisable.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(3) ASSISTANCE FROM FEDERAL AGENCIES AND OFFICES.—

(A) INFORMATION.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, as well as from any committee or other office of the legislative branch, such information, suggestions, estimates, and statistics as it requires for the purposes of its review and report. Each such department, bureau, agency, board, commission, office, establishment, instrumentality, or committee shall, to the extent not prohibited by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chair (Co-Chairs, if elected).

(B) TREASURY DEPARTMENT.—The Secretary of the Treasury is authorized on a nonreimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

(C) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(D) JOINT COMMITTEE ON TAXATION.—The staff of the Joint Committee on Taxation is authorized on a nonreimbursable basis to provide the Commission with such legal, economic, or policy analysis, including revenue estimates, as the Commission may request.

(E) OTHER ASSISTANCE.—In addition to the assistance set forth in subparagraphs (A), (B), (C) and (D), departments and agencies of

the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this section.

(e) STAFF OF THE COMMISSION.—

(1) IN GENERAL.—The Chair (Co-Chairs, if elected), in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III or chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(2) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(B) EXCEPTION.—Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 (b) of title 5, United States Code.

(g) REPORT OF THE COMMISSION; TERMINATION.—

(1) REPORT.—Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report of the Commission shall describe the results of its review (as described in subsection (c)(2)), shall make such recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986 as the Commission considers appropriate, and shall describe the expected impact of such recommendations on the economy and progressivity and general administrability of the tax laws.

(2) TERMINATION.—

(A) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate on the date which is 90 days after the date on which the report is required to be submitted under paragraph (1).

(B) CONCLUDING ACTIVITIES.—The Commission may use the 90-day period referred to in subparagraph (A) for the purposes of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating that report.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the activities of the Commission. Until such time as funds are specifically appropriated for such activities, $2,000,000 shall be available from fiscal year 2001 funds appropriated to the Treasury Department, ''Departmental Offices'' account, for the activities of the Commission, to remain available until expended.

SEC. 5. TIMING OF IMPLEMENTATION.

In order to ensure an easy transition and effective implementation, the Congress hereby declares that any new Federal tax system should be approved by Congress in its final form no later than July 4, 2004.

The SPEAKER pro tempore. An amendment in the nature of a substitute, consisting of the text of H.R. 4230, is adopted.

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

H.R. 4230

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 ''Date Certain Tax Code Replacement Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to set a date certain for replacing the Internal Revenue Code of 1986 with a simple and fair alternative.

SEC. 3. TERMINATION OF INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—No tax shall be imposed by the Internal Revenue Code of 1986—

(1) for any taxable year beginning after December 31, 2004; and

(2) in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to taxes imposed by—

(1) chapter 2 of such Code (relating to tax on self-employment income);

(2) chapter 21 of such Code (relating to Federal Insurance Contributions Act); and

(3) chapter 22 of such Code (relating to Railroad Retirement Tax Act).

SEC. 4. NATIONAL COMMISSION ON TAX REFORM AND SIMPLIFICATION.

(a) FINDINGS.—The Congress finds the following:

(1) The Internal Revenue Code of 1986 is overly complex, imposes significant burdens on individuals and businesses and the economy, is extremely difficult for the Internal Revenue Service to administer, and is in need of fundamental reform and simplification.

(2) Many of the problems encountered by taxpayers in dealing with the Internal Revenue Service could be eliminated or alleviated by fundamental reform and simplification.

(3) The Federal Government's present fiscal outlook for continuing and sustained budget surpluses provides a unique opportunity for the Congress to consider measures for fundamental reform and simplification of the tax laws.

(4) Recent efforts to simplify or reform the tax laws have not been successful due in part to the difficulty of developing broad-based, nonpartisan support for proposals to make such changes.

(5) Many of the problems with the Internal Revenue Service stem from the overly complex tax code the agency is asked to administer.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—To carry out the purposes of this section, there is established within the legislative branch a National Commission on Tax Reform and Simplification (in this section referred to as the ''Commission'').

(2) COMPOSITION.—The Commission shall be composed of 15 members, as follows:

(A) Three members appointed by the President, two from the executive branch of the Government and one from private life.

(B) Four members appointed by the majority leader of the Senate, one from Members of the Senate and three from private life.

(C) Two members appointed by the minority leader of the Senate, one from Members of the Senate and one from private life.

(D) Four members appointed by the Speaker of the House of Representatives, one from Members of the House and three from private life.

(E) Two members appointed by the minority leader of the House of Representatives, one from Members of the House and one from private life.

(3) CHAIR.—The Commission shall elect a Chair (or two Co-Chairs) from among its members.

(4) MEETINGS, QUORUMS, VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chair (Co-Chairs, if elected) or a majority of its members. Nine members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any meeting of the Commission or any subcommittee thereof may be held in executive session to the extent that the Chair (Co-Chairs, if elected) or a majority of the members of the Commission or subcommittee determine appropriate.

(5) CONTINUATION OF MEMBERSHIP.—If—

(A) any individual who appointed a member to the Commission by virtue of holding a position described in paragraph (2) ceases to hold such position before the report of the Commission is submitted under subsection (g), or

(B) a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, or was appointed to the Commission because the member was not an officer or employee of any government and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 30-day period beginning on the date that such individual ceases to hold such position or such member ceases to be a Member of Congress or becomes such an officer or employee, as the case may be.

(6) APPOINTMENT; INITIAL MEETING.—

(A) APPOINTMENT.—It is the sense of the Congress that members of the Commission should be appointed not more than 60 days after the date of the enactment of this Act.

(B) INITIAL MEETING.—If, after 60 days from the date of the enactment of this Act, eight or more members of the Commission have been appointed, members who have been appointed may meet and select the Chair (or Co-Chairs) who thereafter shall have the authority to begin the operations of the Commission, including the hiring of staff.

(c) FUNCTIONS OF THE COMMISSION.—

(1) IN GENERAL.—The functions of the Commission shall be—

(A) to conduct, for a period of not to exceed 18 months from the date of its first meeting, the review described in paragraph (2), and

(B) to submit to the Congress a report of the results of such review, including recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986, as described in subsection (g).

(2) REVIEW.—The Commission shall review—

(A) the present structure and provisions of the Internal Revenue Code of 1986, especially with respect to—

(i) its impact on the economy (including the impact on savings, capital formation and capital investment);

(ii) its impact on families and the workforce (including issues relating to distribution of tax burden);

(iii) the compliance cost to taxpayers; and

(iv) the ability of the Internal Revenue Service to administer such provisions;

(B) whether tax systems imposed under the laws of other countries could provide more efficient and fair methods of funding the revenue requirements of the government;

(C) whether the income tax should be replaced with a tax imposed in a different manner or on a different base; and

(D) whether the Internal Revenue Code of 1986 can be simplified, absent wholesale restructuring or replacement thereof.

(d) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths, as the Commission or such designated subcommittee or designated member may deem advisable.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(3) ASSISTANCE FROM FEDERAL AGENCIES AND OFFICES.—

(A) INFORMATION.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, as well as from any committee or other office of the legislative branch, such information, suggestions, estimates, and statistics as it requires for the purposes of its review and report. Each such department, bureau, agency, board, commission, office, establishment, instrumentality, or committee shall, to the extent not prohibited by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chair (Co-Chairs, if elected).

(B) TREASURY DEPARTMENT.—The Secretary of the Treasury is authorized on a nonreimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

(C) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(D) JOINT COMMITTEE ON TAXATION.—The staff of the Joint Committee on Taxation is authorized on a nonreimbursable basis to provide the Commission with such legal, economic, or policy analysis, including revenue estimates, as the Commission may request.

(E) OTHER ASSISTANCE.—In addition to the assistance set forth in subparagraphs (A), (B), (C) and (D), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this section.

(e) STAFF OF THE COMMISSION.—

(1) IN GENERAL.—The Chair (Co-Chairs, if elected), in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III or chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(2) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(B) EXCEPTION.—Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) REPORT OF THE COMMISSION; TERMINATION.—

(1) REPORT.—Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report of the Commission shall describe the results of its review (as described in subsection (c)(2)), shall make such recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986 as the Commission considers appropriate, and shall describe the expected impact of such recommendations on the economy and progressivity and general administrability of the tax laws.

(2) TERMINATION.—

(A) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate on the date which is 90 days after the date on which the report is required to be submitted under paragraph (1).

(B) CONCLUDING ACTIVITIES.—The Commission may use the 90-day period referred to in subparagraph (A) for the purposes of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating that report.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the activities of the Commission. Until such time as funds are specifically appropriated for such activities, $2,000,000 shall be available from fiscal year 2001 funds appropriated to the Treasury Department, ''Departmental Offices'' account, for the activities of the Commission, to remain available until expended.

SEC. 5. TIMING OF IMPLEMENTATION.

In order to ensure an easy transition and effective implementation, the Congress hereby declares that any new Federal tax system shall be approved by Congress in its final form no later than July 4, 2004. If a new Federal tax system is not so approved by July 4, 2004, then Congress shall be required to vote to reauthorize the Internal Revenue Code of 1986.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTMAN) and the gentleman from Tennessee (Mr. TANNER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. PORTMAN).

GENERAL LEAVE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4199.

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

There was no objection.

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

Mr. Speaker, this is a week when millions of us, Americans all around this great country, are experiencing the annual confusion, the frustration, and the anxiety that comes with filling out our Federal income tax returns.

It is certainly understandable. The current income tax code and its associated regulations now contain, I am told, over 5.6 million words. I am informed that is seven times as long as the Bible, and I know it is not nearly as interesting. Taxpayers now spend 5.4 billion hours a year trying to comply with 2,500 pages of tax laws, 6,500 pages of tax rules, and millions of pages of forms.

The cost of complying with our Tax Code in this country is now believed to be well in excess of $200 billion a year. That is about 20 percent of the revenues raised. What a waste of money. What a waste of time, of effort, of resources. What a drag on our economy.

And that does not get at the way the code taxes income and investment that hurts savings, job growth, productivity and, again, means less economic opportunity for us and for future Americans.

Mr. Speaker, 4 years ago Congress set up a commission, I cochaired it, to look into the problems that plague the Internal Revenue Service. There I learned firsthand that the problems our Tax Code causes is not just for taxpayers, but it is also for the Internal Revenue Service itself; and we cannot forget that. The complexity of our Tax Code makes the IRS bigger and more intrusive than we as taxpayers would like for it to be. The Tax Code itself makes the IRS more costly and less efficient than it should be.

In the short term, tax relief simplification of specific areas of the Tax Code can help. There are important steps we can and should take to make it fairer and less burdensome for all Americans. And Congress has already made some progress on this front. We passed tax relief so that no longer do people have to worry about capital gains tax on the sale of a primary residence. At least, almost no Americans do. Which means not only less tax but less associated record keeping; therefore a great simplification. That was good.

We did reform the IRS for the first time since 1952 to make it easier for all taxpayers to interact with this agency. But, again, we are not going to have a good IRS until we have a simpler Tax Code.

And for the first time we also here in Congress, 2 years ago, made it more difficult for us in Congress and for the administration to further complicate the code by subjecting every proposed tax law change prospectively to what is called a complexity analysis. Again, a good step forward.

But, ultimately, no amount of tinkering with the current Tax Code can solve the problem. We need to produce a Tax Code that will be fairer to all Americans. It is just too complicated now. It is too intrusive. It is too burdensome to the taxpayers of this country. That is why many of us in Congress, on both sides of this aisle, believe now we need to take the next step. We need to replace the current code with something better, something simpler, something fairer, something less intrusive for all Americans.

For the last several years, we have come to the floor, most recently 2 years ago, with a Sunset the Code bill that would eliminate the current Tax Code by a date certain and force Congress and the administration to work together to develop an appropriate alternative. The legislation before us today that my friend, the gentleman from Oklahoma (Mr. LARGENT), is again championing is called the Date Certain Tax Code Replacement Act, and it does exactly that. It sunsets the current Tax Code by December 31, 2004; and it sets in motion a specific time line and process for replacing the Tax Code.

It is an important statement, I think, to be made by this Congress, that we share the frustration all Americans have with our current Tax Code; that we think this Congress should commit itself to replace what is a broken system. But very importantly, and let me spell this out today for some of my colleagues on the other side who have misstated what is in this bill, it does not prejudge any particular kind of Tax Code. That is going to be up to this Congress to decide.

There has never been major tax reform in the country, Mr. Speaker, without the administration taking the lead. The Treasury Department is critical to it. We have seen in the last 6 years no interest on the part of the administration. In fact, we have seen a disdain for any of the major reform ideas. Therefore, we are not going to get it from the administration. We may not get it from the next administration, whether it is Republican or Democrat.

What we do put into this legislation is very important to force the administration to the table, to force Members of Congress to the table, to begin to air this issue out in public so that people around the country can hear about it. We can begin to educate people about the issue so we can come up with a better, smarter approach, and that is that in this legislation, for the first time this year, we have a concept where we create a specific mechanism for getting to a new Tax Code. It is called the Bipartisan National Commission on Tax Reform and Simplification.

This commission is modeled after the National Commission on Restructuring the IRS, which was very successful. We have also had a very successful bipartisan commission recently on Medicare reform, the Thomas Breaux Commission.

Now, I know it is easy to say that commissions do not work, and I am sure they have a checkered past in this town. Some have worked and some have not. But the fact is we have proven with the IRS Commission, with the Medicare Commission, that as long as they focus on building broad-based nonpartisan support for recommendations, they can be very successful and play a very constructive role in moving the debate forward.

This commission would have 15 members: 3 appointed by the President; 4 each by the Senate majority leader and the Speaker; 2 each appointed by the House and Senate minority leaders. We do not know who is going to control the next Congress. But whoever does will have a slightly higher representation on the commission than the party in the minority. But it will be entirely bipartisan, bicameral and, again, will include the administration.

It will have a short timetable. Not years, as someone said earlier today. Read the legislation. It is 18 months. We think that is enough time, although it is a very complex and difficult task. And that will be a report to this Congress. It will then be up to Congress to decide what to do with it. We cannot prejudge what the report will be; we cannot prejudge what the Congress will do with it. But we know it will move the process forward. It will move the ball forward to begin to come to some kind of resolution as to how we can fix, how we must fix a tax code that I think everyone in this Chamber agrees is broken.

□ 1445

Now, some of my colleagues on the other side of the aisle will argue this legislation is unnecessary, that it is just rhetoric today. I, again, would urge them to read the legislation. Because what we are voting on here today is a referendum about the status quo. If they believe in the status quo that our current Tax Code is the way to go, fine, vote no. But if they believe that all those special interests that have been tucked in over the years, if they believe it is too complex, if they believe it is too burdensome, if they believe it is intrusive, if they believe there ought to be a change, a fundamental reform, without prejudging what it will be, then they ought to support this very strong statement and this very important legislation establishing the commission that is before us today.

I want to also say that the gentleman from Oklahoma (Mr. LARGENT) has also improved his legislation by adding a provision that says that, if Congress has not acted in the next 4 years on a new Tax Code, he will vote to reauthorize the current Code. There is no uncertainty there. We are going to have the same thing we have got now unless we can come together as Republicans and Democrats and Independents through, again, a bipartisan, bicameral process to come up with something that makes sense.

If my colleagues think that our current Tax Code is broken, if they think the current system is too complicated, unfair, and intrusive, if they think the Congress and administration should be held accountable for coming up with a better system to replace it and doing it in a responsible way, then they ought to vote for this bill today. It is a good bill, it is a better bill than 2 years ago, and it is a different bill.

I urge my colleagues to take a look at the bill, and I urge all my colleagues to vote yes on H.R. 4199.

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

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

Mr. Speaker, the gentleman from Ohio (Mr. PORTMAN), the previous speaker, is one of the brightest Members that we have in the House; and certainly it is a pleasure for me to serve with him on the Committee on Ways and Means. Some of his ideas in terms of how we could reform the tax system, to me, just makes a lot of sense.

But I know one thing that he will never, never challenge is the fact that

any political party that holds a majority by only six, whether that is a Democratic majority or Republican majority, cannot even hope to reform the tax system unless we are working together in a bipartisan way.

There is no Republican way to correct this Internal Revenue Code. I would agree with anybody who would say and there certainly is not a Democratic Party way to do it. But what the American people want is not for each one of us to be political victors. What they want is a Congress that is working to their best interests.

Can we say that this Code is working to their best interests, that this is the best we can do? I would say the answer would be no. We could do a heck of a lot better.

But one thing that we would have to start doing just for openers is to start talking with each other. Forget the mutual respect. Forget the professionalism. Let us start talking and seeing what we can do to work together.

I would think if we were talking about Social Security, if we were talking about Medicare, if we were talking about the tax system that we would have to find a way where, working together, we could come up with the right solution.

And quite frankly, in the other areas, I would think that there would be enough difference between Democrats and Republicans that we could fight the different way, different philosophical and political beliefs, so that we will always maintain the difference between Republicans and Democrats.

So I am not saying that we should all look alike. But on these important issues, it really bothers me that the chairman of the committee could schedule hearings about different alternatives to this tax system on the week the taxpayers have to file taxes.

I do not challenge the sincerity of my Republican friend on the committee or on the House leadership. But why this week? Why would we have 3 days of hearings and alternatives to this system, as burdensome as it is, when we know that the legislative calendar does not permit us to do anything, nothing?

We are going out for 2 weeks. We will be out next month for Memorial Day. Come July 4, we will be out. In August we will be out. September we have the Labor Day recess. We have to do August recess for the convention. We have to get reelected. So we are not even thinking about changing the Internal Revenue Code. So why do we sit up there for 3 days talking about it? Oh, because it is April 15, and we want to make a political statement.

Well, for 5 years, for 5 years they have enjoyed being in the majority party, the Speaker, the distinguished majority leader, the chairmanships of every committee, the chairmanship of the once awesome powerful Committee on Ways and Means. My God, in 5 years, why have we not seen a change in the Tax Code? Why do we wait 5 years to bring it up again?

As a matter of fact, just between us legislators, I weighed the Code as to how much it weighed when the Democrats were in charge; and then I weighed it just last week. My colleagues would not believe the increase in weight. My God, there is about a hundred new sections added on to the old Code. The people that make up the returns say it takes 3.5 hours more even to figure out the complexities. It is that way when they are putting in loopholes, it is more complicated.

But all I am saying is that many people ask, well, we always are complaining about the Republican majority. What the devil would we do if we ever were in charge?

Number one, we will talk to them. Number two, in any legislation, we would ask you for their ideas. Number three, we would know ahead of time if it is bipartisan, if it is not bipartisan, it is just not going to fly.

We have learned so much about how difficult it is to lead when we do not have a meaningful majority. But we hope that we will not slip into the posture that just because we cannot lead, just because we cannot legislate that we would say, let us close down the shop, let us close down the Internal Revenue Service, let us close down the tax collection business, let us really get rid of the Code and tell millions of American businessmen and small businessmen, we cannot tell them right now what we are going to replace it with. All we can tell them is that we are mandated that we must come up with something.

The gentleman from Ohio (Mr. PORTMAN) has the unique idea that, even if the Congress cannot come up with something, let us get a commission to come up with something. In other words, some Member was being very, very critical in the Committee on Ways and Means before I came to the floor and said that we were trying to hold on to our jurisdiction.

Well, do my colleagues know something? He is right. Because it is the only committee that is there in the Constitution saying that the Committee on Ways and Means shall provide the ways and means for the United States Government to operate.

But, then again, they may want to change the Constitution. But I hope we do not change it to set up for a commission for ways and means. Because then I see a commission for an appropriation, a commission for commerce, a commission for education, and one day we will wake up and we will find out that there is really no need for the U.S. House of Representatives as we know it.

And so, I would suggest this: There is nothing wrong with commissions, but there is something wrong when we refuse to assume our responsibility to do what? To legislate. It is not just to criticize against this Code that most Americans are annoyed with this week. It is not enough to say get rid of it in the year 2004.

What is important to do is to have hearings, to have meetings and to legislate, to educate the American people as to that we can do a better job and to have the political courage and the guts to come down here and to vote for something instead of just cursing the doctors.

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

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

Mr. Speaker, first I would like to just say to my friend the gentleman from New York (Mr. RANGEL) that there were some implicit endorsements of the concept behind the commission and even though at the end there seem to be less than great enthusiasm for it, which is that this would be a bipartisan exercise, it would report back to Congress and would then allow the Committee on Ways and Means to do its work with better information, more public education, and all the other things.

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

Mr. PORTMAN. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, there is no question that the Congress, if we assume this awesome responsibility to produce a better Internal Revenue Code, would need outside help. But to abolish the existing system before we do that is where the gentleman from Ohio (Mr. PORTMAN) and I differ.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I would just say that if the gentleman from New York (Mr. RANGEL) looks at the legislation, what is nice about it is that we do not sunset the Code prior to the commission. In fact, the commission is only 18 months and then we have another couple of years for the Committee on Ways and Mean, regardless of who is chairman, to do its work.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. LARGENT) about whom I spoke a moment ago and who is the author of this much needed legislation, and I ask unanimous consent that he be permitted to control the time for the majority.

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

There was no objection.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY) the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. LARGENT) for yielding me the time, and I thank him for bringing this legislation to the floor.

Mr. Speaker, we have heard a great deal today about people who are willing to work with us on the Tax Code and to fix the horrifying inequities that we find in the Tax Code that are so bothersome to the American people.

I have been gratified to hear these expressions of commitment from both sides of the aisle, and I have been particularly gratified to hear the number

of Democrats who have spoken so eloquently today for the need to avoid discriminatory taxation on the Internet.

I must say, I certainly agree with them on that; and I am looking forward, then, to counting on their vote when we bring a moratorium on discriminatory taxation on the Internet to the floor later this year.

But for the business at hand today, Mr. Speaker, we are again demonstrating to the American people that we are on the side of Mr. and Mrs. America. When they tell us that the extraordinary taxation and punitive provisions called the earnings limitation on senior citizens is unfair because it denies them the benefits they paid in all their lives, we agree. We passed the law, and the President signed it just last week.

When we observe that we must eliminate the marriage penalty because it is unfair to tax people who want to get married, the American people have agreed. We passed it through the House. They will pass it through the Senate. And I am sure the President will sign that into law.

And when we all agree, as we do, that it is unfair to tax people's estate when they die and, therefore, commit to eliminating the death tax because it is unfair to deny the children the legacy of their parents, I am sure we will pass that and it will be passed into law.

Today we are saying, indeed, the entire Tax Code as we know it in America is today unfair because it drives the American people crazy with frustration and despair. Two hundred billion dollars, more man-hours than is spent on the production of every car, truck, and van produced in the United States, is devoted to just complying with this awful red tape nightmare called the Tax Code.

The gentleman from Oklahoma (Mr. LARGENT) says let us get rid of it, let us make a pledge, a commitment amongst ourselves today to be done with it, to scrap this Code, sunset this Code, have it out of our lives once and for all. I cannot tell my colleagues, Mr. Speaker, how near universal agreement there is among the American people with the need to do that.

Ah, but the nay sayers arise, we cannot do that unless we know perfectly well today down to the last jot and tittle what will be in the next Code. There is no plan to replace this Code, they say, Mr. Speaker.

Let me say there is a plan. There are at least three plans that I know of, all well-conceived, all very deeply well worked on, all very well publicized. It is not for me to describe all three, Mr. Speaker, but let me remind my colleagues about the first best plan to replace this awful nightmare.

It is the flat tax, first conceived in 1984 by Professors Hall and Rabushka at the distinguished Hoover Institute in California, later revived in 1994 by myself.

□ 1500

It does exist. It has been worked on in great detail. It has been examined, criticized, reexamined, refined. Mr. Speaker, for any of our colleagues that are unaware of this work, let me just say to my colleagues, while they have heretofore been given a free copy of my book The Flat Tax, should they have lost that or should it have been absconded with by one of their staff, let me remind them that today, even today, they can look it up on the Internet, flattax.house.gov, or even better, they could buy and read my book, in which case we could both profit.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. TANNER), a member of the committee.

Mr. TANNER. Mr. Speaker, I would encourage the majority leader to bring his bill up here and let us vote on it if it is that good. The gentleman from Ohio (Mr. PORTMAN) has worked well with us on the committee. I do not have any quarrel with the criticism of the present system. But when Mr. Churchill one time was asked how was his wife, his response was, ''Compared to what?'' We do not have the ''what'' here.

If my colleagues want to seriously work on tax reform and the code, I think they will find many Members over here ready, willing and able to pitch in. But to go about this matter scrapping something is like a businessperson saying, Look, we don't like your sales or distribution system that gives your company the revenue with which you do business; we're going to scrap that on a date certain in 2 years, and we'll have the board of directors figure out what we're going to replace it with.

Nobody would do that in the real world. Not one single person that I know of would say, We don't know what we're going to do. We're going to do something, hopefully. What if we cannot get a consensus on the flat tax? The gentleman from Georgia (Mr. LINDER), who spoke earlier, has a bill, a sales tax. What if the Congress in that day cannot come up with a consensus? What are we going to do, have a continuing resolution on the code? That will make a lot of sense to Wall Street.

I tell my colleagues as earnestly as I know how, if this bill were serious and was going to be signed, the uncertainty that it would immediately inject into Wall Street, in the markets, into all the countries around the world that rely on the bedrock of the international financial currency, the United States dollar, the consequences of this could be devastating.

I do not quarrel with bashing the code. That is an easy one. I do not know anybody that thinks this is the best work product imaginable. But I do say this: the way to fix it is to come on down to the committee and let us vote on the flat tax, a sales tax or let us schedule bills for hearing, votes and reported out to the floor and then we will see if we can get a consensus. That is how we do as a steward, I think, of this Nation. That is how we do business. I know this will probably pass, but I hope we will think about what we are doing and what kind of signal we are sending. I do not think it is one that is very responsible.

Mr. LARGENT. Mr. Speaker, borrowing on the gentleman's word picture, if we are comparing the tax code to a wife, what we are saying on this side is this wife is so ugly that we know we can do better. With that, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I guess I have to say I do not want to associate myself with those remarks; however, I did want to rise in strong support of this legislation and thank my colleagues for bringing it to the floor. I guess I am saying with a sigh of relief that at last we are making progress. I am not being facetious, because I think this is very serious business. I have personally, as many of my colleagues know, for several years been urging our Republican leadership and the tax committee to make major tax reform job number one. At last we are here. This is an excellent means of doing that. We are on a substantial route to getting there in real terms.

Let us try to get beyond the political rhetoric of this debate, and let us focus on the substance of this bill. The bill calls for an enactment of a new Tax Code by 2004. In order to provide a solid basis for congressional debate, the bill establishes a commission on tax reform and simplification. The commission would completely analyze the current tax law, especially with respect to the code's impact on the economy, savings, capital formation and capital investment, and its impact on families and the workplace. That is in the body of the orders to the commission. The commission would also explore, as has been already mentioned, alternative methods of taxation.

In the past, everyone knows that I have had deep concerns about scrapping the Tax Code without a new structure in its place. I said frankly at the time that it seemed reckless and it was more like show business. But this is real business. This legislation pushes the tax reform debate ahead in a responsible, rational way while setting the stage for common sense transition to a fairer, flatter, and simpler tax code. We need this bill. I urge my colleagues to vote for it. This is job number one for the Congress.

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from Baltimore, Maryland (Mr. CARDIN), a member of the committee.

Mr. CARDIN. Let me thank my friend from New York for yielding me this time.

Mr. Speaker, we should not be talking about a sunset today. We should be talking about a sunrise, a sunrise for tax reform. I am very disappointed that we do not have legislation on the

floor that would talk about tax reform because we do need tax reform. What this legislation represents is a failure, a failure by this body to take up tax reform, a signal that we will not deal with it in this Congress, the third consecutive Congress under the control of the Republicans in which they have not brought tax reform to the floor of this House.

If my colleagues are looking for agreement on both sides of the aisle, we agree that the current income tax code is too complicated. So what do we do about it during these past 3 terms? Add another 100 sections and make it more complicated? Make it more difficult for our constituents to understand how to file their tax returns? That is not tax reform. Those actions became law. If my colleagues want agreement on both sides of the aisle that we should have less income taxes, they will get that agreement. Let us bring forward bills that do it.

I strongly support the expansion of the earned income tax credit. That has helped many taxpayers get the relief that they need. But we sometimes find that on the other side of the aisle, they fight us on that type of legislation. Or targeted relief that would let less people need to file income tax returns in our country. But no, they do not seem to want to do it that way. So why not work together on tax reform so that we can really get something done in this Congress rather than having a tool that is just basically used for the 30-second commercial. That does not befit this body.

And the tragedy is that if this legislation were to become law, what would be the consequences? The first thing is, we would not know what the tax revenue system of this country would be. What advice would my colleagues give to their constituents, their young married couple who wants to purchase a home but needs to know the tax consequences of that home purchase in order to make sure that their budget makes sense to buy that home? What will they tell them when there is no Tax Code in place and we have not quite figured out what the revenue code will be for our country? The uncertainty will be very damaging to American families.

That is not what we should be doing. And then what Tax Code will we put into effect? I know there has been a lot of debate about this. Quite frankly I have a good tax plan that I would like to be able to talk about, and if we bring a bill to the floor, I will certainly be offering an alternative or amendments to that tax bill. But the reason why we use the retail sales tax is because that is the one I think our constituents understand the best, to allow us some ability to compare between one tax code and the other. If we translate what the repeal of all income taxes is on a retail sales tax, that is 59.5 percent added to the price of all goods, all services. That is not my estimate, that is the Joint Tax Committee's estimate.

I do not want to be responsible for increasing prescription drugs and increasing Internet service and increasing clothing and increasing food by that type of price. That is not good for our economy. Let us think about what we are doing, let us work together, let us work on tax reform and not on a bill that will have no impact on real tax reform.

Mr. LARGENT. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, the gentleman from Oklahoma deserves a large amount of credit. Let me say that to me there is not any question this ought to be a bipartisan vote. I will tell my colleagues why. The Tax Code should be put in place that enables the Government to collect revenue but at the same time fosters economic growth, does not impede economic growth. Frankly, the ability to abolish this code after having served in this House for 18 years, if we do not do something dramatic around here, we are going to be talking about this until doomsday, or when people at our town hall meetings start heating up the tar, because people are fed up with this Tax Code, and they are fed up with it not just because it is complicated but frankly that it does keep us from realizing the kind of complete economic growth that brings more to every family.

Now, here we are in the 21st century with a Tax Code that is not encouraging higher savings, and if there is anything we know we need to do in America it is to encourage a higher savings rate. We know we need to have a higher investment rate. We want people to take their money and to risk it in enterprising ideas that can improve the lives of people not just in America but around the world. That gives us increased productivity, more for families.

We want to have a Tax Code that provides a higher reward for people who risk-take. If we punish people when they are successful, then they are going to stop taking risks. They are going to sit on their money. Frankly, the hallmark of a new Tax Code in the 21st century is one that fosters higher savings, higher investment, and produces higher reward for risk-taking.

What we have in the 21st century now is a Tax Code that works an awful lot like putting a Volkswagen engine in a Jaguar. The fact is the 21st century is about speed, not about strength. It is about the power of knowledge, not the power of toil. It is about the entrepreneurship which rewards individual efforts and achievement. And the fact is the Tax Code is not aligned with the rest of this economy. If we want to have a sleek sports car that can run around that track at Indianapolis and set economic records for the American people, then it must have an engine that empowers that car to travel at the speed of knowledge and the speed of entrepreneurship.

Mr. Madison in the Federalist Paper 41 says that a country that is not capable of changing the way in which it collects revenues to match its economy is a country that will not continue to be prosperous and to advance. That was a warning to us in the 21st century. We talked today about taxing the Internet. The fact is that we have a parallel universe right now that allows us to take advantage of the power of ideas and knowledge. It is ridiculous to try to saddle the new economy with an old tax scheme.

Mr. Speaker, this is a great opportunity to say to the American people, we are going to throw it out. If we cannot devise a better system, we will put it back in. But the fact is we will devise a better system because we know the Jaguar needs a modern engine, not an old engine; and we want to make sure that the American people have the tools they need to drive this economy like it has never been seen before. If we do not do it, we will pay a price economically. If we do do it, there ain't no stopping the United States of America and the free market.

□ 1515

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

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

Mr. Speaker, I agree with everything the gentleman from Ohio (Mr. KASICH) has just said. We have to rethink, relook and revise our current Tax Code. But we have not done that yet. And for us to put the cart before the horse, to repeal the current code before we have an agreement on that new code, is not only irresponsible, but I would reterm this legislation as a pig in a poke, because we do not know what is going to be the replacement code.

All week long before the Committee on Ways and Means, we have had hearings on three different types of alternatives to the current code, and the more questions we asked about the alternatives, the more questions went unanswered.

The most popular was the one introduced by the gentleman from Georgia (Mr. LINDER). He is touting this as a national sales tax, and the rate he pegged within the committee was 23 percent. Upon questioning, we found out that it is not 23 percent, it was almost 30 percent, on every good and service produced in this country, prescription drugs, funeral services, everything. We talked to the Joint Committee on Taxation, which is a scientific committee, to give us expertise. They said that national sales tax, to be revenue neutral, would have to be a 59 percent rate. Is that what you are going to replace the current code with?

Interesting, I asked the gentleman a question. I said, Mr. LINDER, would the national sales tax apply to wages for municipal employees? He said, Oh, no,

no, no, no. Then one of his staff persons poked him on the back and said, it is in the bill. It is in the bill. So the authors do not even know what their proposal is.

As the questioning developed, your municipality would have to pay the Federal Government 30 percent of their municipal wage base, because it is a service. And where would your municipalities get the money from? They would radically increase the property tax. In the City of Milwaukee, that would be a very, very bad mistake, because property taxes are relatively high.

So that is a half-baked idea. So my friend, we are not ready to go yet. I agree with one part of the bill of the gentleman from Oklahoma (Mr. LARGENT), and that is the commission. We have had hearings, we have had experts come in all week. Have the commission work with us on something, and then we will come to the floor with a consensus change and then repeal the current Tax Code. Not repeal first. That is irresponsible.

The gentleman talked about the atomic bomb and how we dropped it on Japan and it ended the war. But what the gentleman's bill would do would drop the atomic bomb on us. That is silly.

Mr. LARGENT. Mr. Speaker, what is silly is to continue this current system.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the gentleman for his leadership on this issue.

I certainly believe, Mr. Speaker, if the economy either turns down or experiences some restrictions, that the American people will be heard demanding change, because I still hear it a lot, frustration with this current Tax Code, people who are both paying too much in taxes and also experiencing too much red tape with this Tax Code, spending too much of their time wrestling with this Tax Code.

I really believe as the economy goes through its normal cycles and turns down, we will hear loud and clear that this is one of those issues that the American people demand change on, is a simpler, more fair tax system.

Frankly, welfare laws changed, not because of Republicans or Democrats, but because the American people demanded it. The budget is balanced not really because Republicans or Democrats, but because the American people demanded it. The American people are going to be demanding a more simple and fair Tax Code. I think ultimately those that come today against this legislation will support it, because the American people will demand it.

I would love to see our campaign finance laws change, but until the American people get more engaged, the folks up here are not going to change it. The American people need to lead this. We have presidential candidates now espousing certain philosophies. They need to be telling the American people what kind of Tax Code they will sign into law and, therefore, we need to take this action so that we have some limits, we have a firewall. We say we are going to do this, we have plenty of time, 4 years. The gentleman is being very reasonable setting up a time frame so that we can make these plans and get the presidential candidates to say yes, I will sign this.

We have at least three options: Either keep the current system; single rate income tax with fewer deductions; or wipe out the income tax and replace it with a national sales tax. Let the debate begin. Let the candidates for President, for Congress, declare what will you have, what will you sign, what will you agree to. The American people need a simpler Tax Code, they need lower taxes, they need less interference from the Federal Government, so that free enterprise system can continue to carry the world economy.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a member of the Committee on Ways and Means.

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

Mr. Speaker, I do not understand what the disagreements are about here. In fact, there is so much agreement between their side and our side, I think we can close this debate out right now and say we all agree that our Tax Code is too complex, that it is too burdensome, that it is too hard to fill out the tax forms, and it does not work for a modern economy. We all agree with that.

The question is whether we are just going to talk today and come back again with sound and fury, which in the end will actually signify nothing. We need a replacement vehicle for our Tax Code. On that we all agree. And if it were true that this bill provided that, that would be good news for all Americans. We could all come and cheer, Democrats and Republicans alike. But sadly, it is not true, Mr. Speaker. The truth is we are no closer to eliminating the Tax Code today than we were when we started out talking about this because we have no replacement vehicle.

This business about putting a Volkswagen engine into a Jaguar, we would have the Jaguar first to put the engine in. We do not have the Jaguar to even talk about putting a Volkswagen engine in it. We do not have the replacement. Democrats know it, the Republicans know it, and it is really time now we make sure all of the American people know it to.

Democrats and Republicans both agree the Tax Code is too complex, that our current tax filings are too burdensome. So why can we not stop this political charade and get down to serious bipartisan tax reform. This bill is an invitation to put the ball on tax reform, rather than to tackle it. It amounts to throwing up our hands and giving it to a commission, handing it over to a commission, admitting to the American people who hired us that we cannot do the job.

Five years ago the gentleman from Texas (Mr. ARCHER), my good friend and our distinguished chairman, promised to abolish the Tax Code and replace it with a better system. I and many of my Democratic colleagues on the Committee on Ways and Means applauded this goal and expressed our willingness to work together to achieve meaningful tax reform.

But instead of working together to reform our Nation's ailing tax system, to make it more simple and fair and efficient, my Republican colleagues have repeatedly introduced ridiculous legislation to eliminate the code, without offering any credible alternative system.

Telling the American people you are going to eliminate the Tax Code is sure to score political points. However, we all know that nothing can be done here without a system to replace it, and, as speakers before me have said, that will destroy our economy. No lesser expert than Chairman Greenspan, the number one authority on our economy, has said so.

So have my Republican friends forgotten that our duty as members of the Committee on Ways and Means is to develop tax policy and not to advance campaign politics? It is time for us to tell the American people the truth. We cannot abolish the tax system unless we develop another means of funding the government.

Mr. Speaker, I urge my Republican colleagues to replace irrationality with reason, to replace emotions with practicality, and to replace politics with sound policy. Support motion to recommit H.R. 4199 to be offered by the gentleman from New York (Mr. RANGEL) with instructions to require Congress to enact comprehensive tax reform of the Tax Code prior to the July 4, 2004, sunset date. The American people deserve true tax reform, and not just political rhetoric.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP)

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me time. I want to commend the gentleman for his leadership on this important issue.

Mr. Speaker, we do agree that the Tax Code is complex and burdensome. I am sure these statistics have been cited before, but the IRS laws and regulations are currently 17,000 pages, more than 5½ million words. The complexity and difficulty of filling out the tax forms each year get worse and worse.

What this legislation will do is it will sunset the Tax Code in 4 years. Also what this legislation does is it creates a commission, and I want to commend also the gentleman from Ohio, Mr. PORTMAN, for his leadership not on a commission that helped us restructure

the IRS, but also a commission contained within this bill which will help us replace our current income tax code.

This bipartisan commission is modeled on the IRS commission that was successful in 1996 and 1997. This will have 15 members appointed by the President, the Senate majority leader, the Speaker, and two appointed by the House and Senate minority leaders. It will have a short timetable. This commission will have to act within 18 months. If we do not, what is also in this legislation, which is new this time around, we will have to reauthorize it by 2004 if we do not adopt a new system of taxation. I think it is important we repeal the complex and difficult code. Any of these efforts are in the right direction.

I want to commend the gentleman from Oklahoma (Mr. LARGENT) and also the gentleman from Ohio (Mr. PORTMAN) for helping make this a reality.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank my friend from New York for yielding me time.

Mr. Speaker, for 5 years we have heard the majority talk about changing the Tax Code and giving us something that is better. No one disagrees with that. All of us are here ready and prepared to discuss that. But now, for the last 5 years that we have been discussing it, nothing has been done. We have a bill on the floor that would say in about 4 years, let us get rid of the Tax Code we have, and who knows what we will replace it with?

Now, if we are brought up here to be responsible, here to Washington, D.C., then let us give the American people some sense of where we will go. If we cannot do that, then the frustration the American people have expressed with our Tax Code will just grow and grow and grow. Yes, they are all fed up with this current Tax Code. Rather than become more simple, it has become more complex over these last 5 years. What is to make it less complex over the next 4 years as we get ready to scrap it? All we are going to get ready to do is create chaos.

If you are an American and you are thinking of buying a home right now, what do you do? Do you buy right now, or wait 4 years from now? Because if we go with one of the ideas out there that we have a national sales tax replace our code where you would not have any more mortgage interest deductions and not be able to deduct the property taxes you pay on that home, should someone buy now, or wait 4 years? Because if you waited 4 years and there is a national sales tax, if you buy a $200,000 home and the sales tax is 30 percent, then you are paying 30 percent tax on that $200,000 purchase. Do you buy now or buy later?

What if you are someone who is planning for a funeral for an elderly parent? Do you buy your plot now for your parent, or later? Because if you have a national sales tax, you will pay 30 percent on the purchase of that plot or for that coffin.

Or what if you are elderly on a fixed income? What do you do about prescription drug coverage? Do you plan now to buy a whole bunch of drugs now, or wait until that sales tax kicks in at 30 percent? And the Joint Committee on Taxation, our Joint Committee on Taxation, which is to advise us on taxes, tells us that would probably be higher, about 50 to 60 percent. Do you buy drugs now, or wait?

This is sheer chaos. The only thing certain about this particular act is the date it would be enacted. But there is no certainty as to what we do with Americans and the taxes. What does the market do? How do we invest? Are we going to be able to have our monies invested in Roth IRAs, or will those be eliminated, so no longer can we put money in the investment accounts and say in the future we will not pay interest on them? What do we do? What is an investor to tell any American that is trying to save money? We have to give the American people some sense of what is going on. We have had 5 years of discussions, and we have not come up with anything.

So, yes, let us reform the code. Let us make it simpler. Let us make it so everyone believes it is fair. But let us give the American people some sense of where we are going. Let us not do anything that makes it less certain. The only thing certain about this bill is it makes it clear what date this is. This is an election year.

Mr. LARGENT. Mr. Speaker, I would just point out that the previous speaker makes our point perfectly. The Tax Code controls whether we buy prescription drugs, houses, whether we save, whether we even invest, and that is not right.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, this has been helpful, because it seems that we all agree that Americans deserve a fair and simple Tax Code that takes only the amount of their money that is needed to run a limited and efficient government.

□ 1530

We all seem to agree also that our current Tax Code does not meet this test, because it not only takes too much of our money, it controls a large part of our lives. Not only does it take over 5 billion hours of our time every year and billions of dollars of our money, it controls many of the decisions in our personal lives about our savings, about our investment, about our retirement. Even how we die is decided by the Tax Code.

In our businesses, when we decide whether to hire workers or contract that work out, or to buy or lease something, or to merge or to grow a business, just about everything we do in this country in some way is related to trying to manipulate a Tax Code that is so complex that even the experts cannot understand it.

The only question today, the only question is, do we have the courage to set a deadline to change it; do we have the courage to give the American people a commitment, rather than 5 more years of talk? We have proven we will not do it without a deadline.

It is not irresponsible to set a deadline, it is irresponsible to continue to give the American people talk without a deadline.

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

I am certain that the gentleman who just spoke did not mean that for the last 5 years that all we got from the Republican leadership is talk, but if he does, then we cannot have any guarantee. If things remain the same, then it would be an additional 5 years of talk.

Why do we not produce first, and then we will be in a position really to put in something, rather than just be against something.

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

Mr. DOGGETT. Mr. Speaker, having authored the Texas Sunset Act during my service as a Texas State Senator, I believe there is merit in the sunset process. That Texas law limits the life of every State agency, and I am working with a bipartisan coalition here in Congress to apply the same concept to limit the life and require sunsetting of each of our Federal agencies.

Certainly our Tax Code could have a similar concept applied to it if done in the appropriate way. This Tax Code is overflowing with loopholes, it is permissive toward abusive corporate tax shelters, it is not fair to middle class taxpayers.

Under this Republican congressional leadership, it has only gotten worse. The Tax Code has gotten bigger, it has gotten more inequitable, it has been filled with more special interest provisions. We can all certainly remember the effort of the Republican House leadership to sneak through here a $50 billion tax credit for the tobacco industry hidden in a small business tax bill.

But the sunset process has to be applied in a systematic way, not as a political polemic. If we look at related provisions of the Tax Code together, we do not abolish the entire code without anything to replace it.

We all know how skilled our Republican colleagues are at railing against taxes. We have heard from them over and over all the taxes they do not like and all the reasons they do not like those taxes. But they seem to lose their ability to speak when it is time to talk about what tax system they would substitute. They are so very skilled about complaining about the tax system, but they lack skill in being able to offer a more fair and equitable system. After 5½ years, they have

given us hearings and they have given us speeches, but they have given us no real alternative.

This week, however, we learned what they have in mind if this country has the misfortune of having to endure another 2 years of a Republican Congress.

The gentleman from Ohio (Mr. KASICH) told us he did not want to saddle our new economy with an old tax system, but this week we learned they have a new tax for the new economy, a 60 percent tax on every online purchase.

They claim that they are still revolutionaries. If they want a real tax rebellion in this country, tell Americans that they are going to have to pay 60 percent on every online purchase and there will be an uproar.

That is the wrong system. That is what this is all about: enabling the Republicans to put in place a new tax on e-commerce. It is wrong and it ought to be rejected.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to say that I agree with both the Democratic side and the Republican side, this is an issue of great importance to the American people. It is not a Democrat or Republican issue, it is a people's issue. We are the people's House. We are elected by the people to come up here and make the decisions for them that hopefully will be the best decisions.

I want to say, because I have great respect for the gentleman from New York (Mr. RANGEL), as I do the gentleman from Texas (Chairman ARCHER), they are two men I really do have great respect for, but I think about the fact that prior to 1995, and I was not here, let me say that, but I do not remember reading in the paper where there was any debate on the floor of the House to even give tax relief, because I believe when we passed the tax relief bill in 1997 we were the first Congress in 16 years to give the American people tax relief.

I realize today we are talking about simplifying the Tax Code. I want to compliment my friend, the gentleman from Oklahoma, because truthfully, yes, maybe we have been talking about this for 5 years, but the thing that is important, we are talking about it. Now we need to do something about it. If this effort by the gentleman from Oklahoma (Mr. LARGENT) will help us move further down the field, so to speak, so that we will reach the goalpost and we will change this tax system, that is what all this is about.

I do hope, I will say, quite frankly, in my town meetings, because in Eastern North Carolina, the biggest concern from the people that I have the privilege to represent, when I am in these town meetings what they say to me, is, Walter, go back is to Washington, get your colleagues on both sides of the political aisles to do something about this Tax Code, because it is out of control.

My own CPA, who is very qualified, tells me every year that I do my taxes, Walter, you all have to do something about this Tax Code. It is overburdening and it needs to be simplified.

Mr. Speaker, I hope today, truthfully, as we cast our votes this afternoon, that even though this is not perfect, this is the start that we need I think to force the Congress in the future to do something about this tax system and to make it simpler.

Quite frankly, I have written to Governor George Bush and I will encourage AL GORE to please do something to help the American people and simplify this tax system, and to debate the issue this fall.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman for yielding time to me. I am honored to be here. I had with me just a few moments ago a couple of little exhibits I was going to take with me to the podium, but they had to go back to the gallery to their mother. They are from my home county, 4 years old and 6 years old. It is really for youngsters like them that we need to really look at this Code.

I think they would tell me, if they could understand, that they need a date certain Tax Code for this House to do something. That is not putting them under the gun too much. I will tell Members what it does, it tells us that we need to go out and come in again with a Code. The sensible part of it is that we are not going out before we come in.

The provisions are that we have to come in with a bill, a sensible bill to take the place of the Code before the Code goes out. I really do not see anything pressing about that. It simply says to us, get about your work now, and do not wait until the last day and rush in there and try to get it done.

I think it also knocks out estate tax, capital gains taxes, a lot of things that a lot of people want to knock out, but they are waiting to put it with something that is more desperate or tougher to pass. We will get a chance to get rid of those two things now, too.

A lot of us have signed onto one or both of the bills. I do not care what bill comes down the line, I think I am a coauthor on it. We need a change. That is not to say that everything about the present Code is bad or everybody that works for the IRS is bad. There are a lot of good people with the Treasury Department, and a lot of them are embarrassed about the actions of some in the Treasury Department.

I would just say, we need to go out and come back in again. When I say go out, I am talking about go out into the countryside, go out into the district, talk to Republicans, Democrats, talk to anyone in any occupation and ask them, would you like to have a new Tax Code? Do you like the Tax Code you are operating under?

I think that little 2-year-old and little 4-year-old and 6-year-old that were here that I was going to use as exhibits, I think they would tell us 10 out of 10, yes, we need a new Code. That Code was brought in when our grandfather was not even born. We need a new Code.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, it is interesting to come to Washington and hear a sales tax is going to be the tax panacea and give us fairness and simplicity. Because before I came here, I spent 6 years running the largest sales tax agency in the country. Let me tell the Members, sales tax laws have the same kind of special interest provisions that we come across in the Internal Revenue Code.

Sales tax laws can affect what we do and what our behavior is, and let me give one example. We would need a 60 percent sales tax rate in order to replace existing Federal taxes. There is much debate on the floor today as to whether that rate would apply to those purchases made over the Internet. Who is going to buy a sweater or a television set at the local mall if it is 60 percent cheaper online? So we may have a sales tax code designed to take the Federal government out of involvement in private decisions leading to closing every mall in America. That is a significant private effect.

Finally, we are told that the sales tax, the national sales tax, would be fair. What is fair about a law that says that Steve Forbes can go make a $10 million profit, invest it all in a villa on the Italian Riviera, and not pay a single penny in American taxes?

Mr. Speaker, this bill pretends to impose a deadline, but it is really just a show line, because in Washington whenever we do not want to do anything at all, we appoint a commission. The commission will come back in several years, tell us what we already know, that it would take a 60 percent sales tax rate to replace existing taxes, and then that commission's report would be thrown away and the existing code would be reenacted.

Let us have real reform, Code section by Code section.

Mr. LARGENT. Mr. Speaker, I reserve the balance of my time to close.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think the discussion has been good and healthy, especially during this time of the year, when American taxpayers recognize the complexity of the Code.

One of the previous speakers from the other side said for the last 5 years all we have done is talk about changing the Code. I would like to believe that if they are in the majority and in charge

of the tax-writing committee, that instead of talking about changing the Code, they would have changed the Code, if they had the votes to do it.

On the other hand, I think the most frightening thing about this argument is what do we replace it with. No matter how much we complain about the complexity and the unfairness and the inequity of the Code, I do not think that any American would support just changing the Code until they fully understood what impact the new Code would have on them in their lives. We have not the faintest idea as to what we would replace it with.

The best idea, in my opinion, that came from the other side as to what we would replace the Code with, it would be with a 15-person commission, taking it out of the hands of the Congress, having four Members appointed from the Congress and the rest of them private citizens, to come back to the Congress to tell the American people what the new Code should be. I do not think that is right. Commissioners do not get elected, we do.

It is no profile in courage on the eve of tax payment day to come here and talk about they do not like the Code. No one likes the Code in its present form. What does take courage is to say that, I am in the majority, we are proud of it, we are doing something about it, here is the new Internal Revenue Code. We ask Americans to come forward and to vote for it.

□ 1545

Now we are saying let us sunset what we are talking about. Well, at the appropriate time, what I hope to do is to say that if we do have this new code, maybe in the motion to recommit we might be willing to consider just a question of making the code equitable, making it fair, making certain we do not tax prescription drugs, that we do not hurt people in terms of the deduction of mortgage interest. At least send some signal as to what is being talked about.

There are a half a dozen bills over there. The commission has not even gotten up to what my dear friend, the gentleman from Ohio (Mr. PORTMAN), is talking about. We do not know who is going to be on that commission, and I think that is going to be very, very important before we determine what we are doing. So I hope that we turn down this offer and support the motion to recommit.

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

Mr. LARGENT. Mr. Speaker, I yield myself the remaining time to close.

Mr. Speaker, this has been a great debate, as my friend, the gentleman from New York (Mr. RANGEL), has said. It is an important debate. This is a good time to have this debate. Many taxpayers are filing their tax returns as we speak. We have heard the numbers, 5.4 billion hours that we spend doing tax returns. That would cost somewhere around $225 billion wasted to file those tax returns.

If someone calls the IRS and they ask them a question about their tax returns, statistics show 47 percent of the time the IRS gets the answer wrong. If one fills in the blank with the answer the IRS gives them, they punish that person; they can give them a penalty and charge them interest for taxes they did not pay.

Here is a 1040–EZ form, the easiest way to file a tax return in this country. Along with it, a 32-page document explaining how to file the 1040–EZ form.

Here is an article from the Wall Street Journal, three organizations which will urge Congress later this week to simplify the tax laws. Want to know who those groups are? The American Bar Association Tax Section; the American Institute of Certified Public Accountants, Tax Division; and the Tax Executives Institute. The experts are saying, please, simplify the Tax Code.

The experts do not understand the Tax Code. How can the American people understand the Tax Code?

If anyone has listened to this debate for the last couple of hours, what they will understand is nobody is defending the current code. The left is not defending the current Tax Code. The right is not defending the current Tax Code. No one is.

In fact, one of my personal heroes talking about replacing the Tax Code says the American taxpayers deserve better than they got on tax reform. We have an outdated, complicated, unfair system that should be abolished so that we can start over. Decades of toying and tinkering at the margins have only made problems worse, and I conclude that there is only one way to fix anything and that is to replace everything, to overhaul the entire system from top to bottom. Our Tax Code has become a dense fog of incentives and inducements and penalties that distort the most basic economic decisions, constrain the free market and make it hard for Americans to run their lives. The current system is indefensible.

The speaker of those quotes: The gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

So with all of those people saying the Tax Code is bad and we need to replace it, why has it not been replaced?

I will freely acknowledge and confess to my friend, the gentleman from New York (Mr. RANGEL), Republicans have been in the majority for 5½ years. We have not done anything about it. We have not gotten rid of the Tax Code. We have made it worse, as he said. It has gotten heavier, more complex, with Republicans in control. What he did not say was we have been in control for 5½ years, but the Democrats were in control for 40 years and they had the same problem.

It is endemic to Democrats. It is endemic to Republicans. We have the same problem. Why are we not doing something about it? It is because we do not have to. What this bill is about is saying to Congress, what Congress so freely says to the rest of the Americans on every bill that we pass, that they have to do this by this date, we are now saying to Congress, to ourselves, confessing our own failure and not doing what the American people are begging us to do, we are going to impose a date on Congress and we are going to say we have to replace this stinking Tax Code in 4 years and 3 months from today.

I think when this bill passes this House that there will be an audible ovation around the country saying, here, here, it is about time Congress did something about the Tax Code.

Here is the bill. It is very simple. This is not a complicated bill. It is 15 pages long. If one has not read it, shame on them. We vote today. We have 4 years and 3 months before we replace the code; July 4, Independence Day, 2004, we replace the code. We get a report from a commission to do what we need to do, to look at all of the options that are out there, flat tax, consumption tax and every variety in between. Then 6 months after that the old Tax Code is gone.

Mr. Speaker, I will just conclude by saying that it is time. We need to just do it.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 473, the previous question is ordered on the bill, as amended.

The question is on 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.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. RANGEL moves to recommit the bill H.R. 4199 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. COMPREHENSIVE REFORM OF TAX CODE.

(a) DEADLINE.—Congress shall enact a comprehensive reform of the Tax Code not later than July 4, 2004.

(b) PRINCIPLES.—Any comprehensive reform of the Tax Code shall be consistent with the following principles:

(1) Such reform shall be fiscally responsible and it shall not endanger a balanced budget nor use funds devoted to the social security system.

(2) Such reform shall be fair to all income classes.

(3) Such reform shall emphasize simplicity, thereby resulting in a Tax Code that is less complicated.

(c) CONSEQUENCES OF PENDING RETAIL SALES TAX PROPOSALS TO BE AVOIDED.—In

no event shall the comprehensive reform enacted pursuant to this section include the following aspects of pending legislation proposing a retail sales tax as a replacement for the current tax code:

(1) HEALTH CARE SHOULD NOT BE JEOPARDIZED.—The imposition of a retail sales tax on prescription drugs and other health care goods and services thereby—

(A) further increasing hardships on the elderly and other individuals dealing with high drug prices,

(B) increasing the cost of nursing home care and other long-term care services,

(C) accelerating the insolvency of the medicare system by increasing the cost of goods and services reimbursed by medicare, and

(D) increasing the cost of health insurance and thereby increasing the number of uninsured.

(2) FEDERAL TAX BURDEN SHOULD NOT BE SHIFTED TO STATES.—The imposition of a retail sales tax on goods and services (including wages of government employees) purchased by State and local governments, thereby forcing State and local governments either to drastically reduce the level of services provided to their citizens or to dramatically increase State tax burdens.

(3) NATIONAL DEFENSE SHOULD NOT BE ENDANGERED.—The imposition of a retail sales tax on goods and services purchased by the Federal Government, thereby endangering the National defense by increasing the cost to the Federal Government of meeting its military needs.

(4) COSTS OF OWNING OR RENTING A HOME SHOULD NOT INCREASE.—The imposition of a retail sales tax on purchases of new homes and on rentals of apartments and other residences, thereby threatening the ability of many individuals to afford adequate housing.

(5) INTERNET SHOULD NOT BE SUBJECT TO RETAIL SALES TAX.—The imposition of a retail sales tax on Internet access.

(d) CONSEQUENCES OF PENDING FLAT TAX PROPOSALS TO BE AVOIDED.—In no event shall the comprehensive reform enacted pursuant to this section include the following aspects of pending legislation proposing a flat tax:

(1) BURDEN OF FINANCING SOCIAL SECURITY AND MEDICARE SHOULD NOT INCREASE.—An increase in the burden of the social security and medicare payroll taxes by denying employers a deduction for those taxes when none of the additional revenues raised by increasing the burden of those taxes is devoted to the social security or medicare trust funds.

(2) COSTS OF OWNING A HOME SHOULD NOT INCREASE.—The elimination of current law subsidies for home ownership by repealing the deductions for mortgage interest and real estate taxes.

(3) COSTS OF EMPLOYER-PROVIDED HEALTH CARE SHOULD NOT INCREASE.—The imposition of substantial penalties on employers who provide health care coverage for their employees, thereby increasing the number of individuals without private health insurance.

(4) BURDEN OF STATE AND LOCAL TAXATION SHOULD NOT INCREASE.—An increase in the burden of State and local taxes by denying any deduction for those taxes, including taxes paid by businesses in the ordinary course of their operations.

(5) CHARITABLE CONTRIBUTIONS SHOULD NOT BE DISCOURAGED.—The repeal all current tax incentives for charitable giving at a time when the congressional majority is increasingly attempting to shift the burden of meeting the needs of the poor and disadvantaged to private organizations.

(6) RUNAWAY PLANTS SHOULD NOT BE ENCOURAGED.—Encouraging United States corporations to move their businesses overseas by taxing their domestic operations but exempting their foreign operations from tax.

(7) TAX BURDENS ON FARMERS AND SMALL BUSINESSES SHOULD NOT INCREASE.—A dramatic increase in the tax burden on family farms and small businesses that rely on debt financing or have substantial amounts of currently depreciable assets by repealing the deduction for interest and eliminating depreciation deductions for existing assets.

(e) REGRESSIVITY OF PENDING FLAT TAX PROPOSALS AND RETAIL SALES TAX PROPOSALS TO BE AVOIDED.—In no event shall the comprehensive reform enacted pursuant to this section include the substantial and regressive shift of the burden of Federal taxation as under pending flat tax and retail sales tax proposals.

Mr. PORTMAN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

Mr. RANGEL. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will continue reading the motion to recommit.

The Clerk continued reading the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. THOMAS (during the reading). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California will state his parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, is it appropriate, since it has been objected to, dispensing with the reading, to inquire how many pages there are that will be read?

The SPEAKER pro tempore. The Clerk is about finished. The Clerk will continue reading the motion to recommit.

The Clerk continued reading the motion to recommit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes on his motion to recommit.

Mr. RANGEL. Mr. Speaker, I yield to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I urge everyone to vote for this motion to recommit, on the basis of a letter which we got from the Tax Executive Institute of the United States. It is all the corporate executives of the country who said these proposals reflect either a misapprehension of the importance of certainty and predictability to business enterprise and individuals or a disregard for the consequences of terminating the tax structure. They illustrate the folly of making tax policy by sound bite and should be rejected.

Former directors of the Internal Revenue Service, both Republicans and Democrats, wrote that this approach does not meet the standards of reasoned and responsible legislation. Now, if it were for only one issue here, I would say that was why we should go back to the committee and add at least one protection for health care. Companies can deduct right now what they spend on health care for their employees. They would lose that here because that is part of the income Tax Code. So that means there would be no incentive for any major company in my district or anybody else's to provide health insurance.

Also, individuals would lose the tax deductibility of what they purchased so they would not only lose it from their employer but they would lose it on an individual basis. Then when they went out and paid for it, they would have to pay a sales tax on not only the policy they bought but everything that they bought in the process of having their health care taken care of, including prescription drugs.

Yesterday everybody was walking in here saying that the Republicans have come out with their principles about how to provide a prescription drug benefit for the senior citizens in this country who on average spend $2,500 out-of-pocket paying for pharmaceuticals. Now I guess it makes sense to the Republicans to come out here and propose that they are going to slap a $250 tax on every senior citizen when they buy their drugs. Vote for the motion.

□ 1600

Mr. RANGEL. Mr. Speaker, the majority party clearly has shown their unity on the question of sunsetting and polishing the Internal Revenue Code at some time in the future, 2004. I guess that is pretty courageous to say on the eve of April 15 that they want to get rid of this code.

We do not know whether they have enough votes to come back with something before we get out of session. We have not the slightest clue as to what they would replace it with.

So we are saying this, if they are going to overwhelm us with their votes and abolish the code, we ask them to support the motion to recommit at least to put some protections in it for the taxpayer for the American people; that it be fiscally responsible; that whatever they come up with, that it is fair; that it be certainly more simple than the code that they are trying to replace; that they not pick up some of these ideas that are floating in their side about taxing prescription drugs; that they do not make home purchasing more difficult by eliminating the deduction of mortgage interest. For God's sake, do not hurt charitable giving by removing the deductibility. Do not hurt our schools, our churches, our synagogues and our mosques.

We do have a pretty progressive tax system. From what I have heard with some of the things that are being considered on the other side, it might be a little too difficult for the working poor.

We also are asking in the motion to recommit that our colleagues do not restructure the tax system so that they are shifting the burden to local and

State governments because they have enough.

Our concern also deals with the Internet with the structuring of some of the recommendations they are making that would put a 60 percent increase in the sales tax on the Internet. Well, we do not know where they are going, and they do not either. All we know is that they want to get rid of the code as we see it.

Maybe if we are lucky, we can get someone of the caliber of the gentleman from Ohio (Mr. PORTMAN) to sit on this 15-person commission. Other than that, I do not know who even would be on the commission to come and tell us what we should be doing. If they do a good enough job, maybe we do not even need the Committee on Ways and Means. If that works for the tax-writing committee, maybe we can get a commission for the Committee on Appropriations and a commission for the Committee on Commerce.

I know we have not done much work around here in the last couple of years, but I hate to see the day that we just set up commissions to do our legislative work. But I support the motion to recommit, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from Ohio (Mr. PORTMAN) claim the time in opposition?

Mr. PORTMAN. Mr. Speaker, I am claiming the time.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Ohio and fellow member of the Committee on Ways and Means for the yielding to me.

Mr. Speaker, we have heard from the gentleman from New York (Mr. RANGEL) a typical lament that is really based in the realm of political science fiction, because typical of the motions to recommit, it basically says, golly, gee, there really should be some tax reform. But rather than commit to it, we will throw out a variety of ideas, a grab bag for you and say that, oh, yeah, us, too. We really want to see reform in the code. But not now.

The gentleman from New York laments what he says is a lack of cooperation and communication between the sides of the Committee on Ways and Means. Yet, in this tax summit, when the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, was invited to offer his plan for a 10 percent code, he declined. How can we have honest communication?

Reject the motion to recommit. Vote for the bill.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN), champion on this issue.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, this motion to recommit takes away the sunset. It says we are going to keep this good old income Tax Code a lot longer. Maybe if we come up with a new one, we will get rid of it one day.

The bill sets the sunset. It says this income Tax Code that ravages Americans ought to go. We ought to pull it out by its roots so it does not grow back again. We ought to come up with a simple, clean, decent one for Americans again.

Mr. Speaker, the power to tax is the power to destroy. My colleagues ought to think about what this current code does. It punishes one for earning income, for saving, for investing, for giving things to one's kids in life through the gift tax and for giving things to them when one dies through the death tax.

It even punishes one when one buys American-made products. According to the Harvard study, it adds 25 percent to the cost of everything we make and consume in America.

It taxes one coming. It taxes one going. It taxes one when one earns income and when one spends it. We ought to get rid of it. This bill gets rid of it.

This motion to recommit says let us keep it. If my colleagues want to keep it, vote for the recommit. If they want to get rid of it, vote against the motion to recommit.

Mr. PORTMAN. Mr. Speaker, I am now reading the Democrat motion to recommit, and it is interesting. It lays out a set of principles. I, frankly, do not think it is inconsistent with the underlying bill. But it does not get the job done.

It does not do anything to force this Congress and this administration to come to grips with this problem. It does not sunset the code. It does not set up a commission. It does not say that we have to deal with this problem.

Now, if we are not going to come to grips with it, if we are not going to begin the process of getting rid of an overly complex, overly burdensome, overly intrusive Internal Revenue Code, then we are not serving our constituents.

This is a good bill. What this bill that the gentleman from Oklahoma (Mr. LARGENT) put together does is very simple. It does say, over a 4-year period of time, we ought to sunset the code. In the meantime, though, we are going to put together a bipartisan, bicameral commission that forces the administration to work with Congress to come up with analyses of the various proposals out there, allow some public education on this issue, go out among the people, yes, bring in outside expertise, not rely on Congress to provide every answer. We do not have a monopoly on all the good answers. Then come back and report to Congress, after 18 months, as to what they have learned.

Congress then does its work, and the Committee on Ways and Means and the finance committee in this House does its work, and the elected Representatives make the decision. But this is responsible.

Then, very importantly, if Congress still cannot come to grips with this issue, cannot do what is right for the American people, then the legislation says specifically that Congress must vote to reauthorize the existing Tax Code. There is no uncertainty here.

I have heard speakers come up and say this creates great uncertainty. This does not create great uncertainty. What it creates is a great potential for us to move this country forward on an issue that is absolutely essential to the well-being of our constituents and to the prosperity of this country in the 21st Century.

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

Mr. PORTMAN. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, we heard the gentleman from New York (Mr. RANGEL). I congratulate the gentleman from Ohio (Mr. PORTMAN) on his knowledge and his wisdom in the area.

Mr. PORTMAN. Do not hold that against me.

Mr. THOMAS. Mr. Speaker, given that fact that I agree with it, is the gentleman from Ohio for or against the motion to recommit?

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I am glad the gentleman from California asked. I urge my colleagues to vote ''no'' on the motion to recommit because it does not get the job done, as well meaning as it might be, and to support, strongly support, on a bipartisan basis the responsible legislation this year, which establishes the ability for us to actually move forward on this issue that we talk and talk and talk about and deliver for our constituents and the American people.

Vote ''no'' on the motion to recommit. Vote ''yes'' on the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am in total agreement that the IRS tax code is confusing. In fact, I affirm making the tax code more understandable for average Americans. I even hope to address outdated tax issues such as the telephone excise tax adopted a century ago to help fund the Spanish American War in 1898 and re-imposed during World War I, which is still with us today.

However, this bill is another attempt by the Republicans to enact irresponsible legislation. The notion that Congress should abolish most of the tax code by December 31, 2004 is not in the best interest of America's hard working families. The Republicans are offering this bill with no viable alternative to the tax code in place.

The notion that we can enact legislation essentially eliminating the tax code without a well-reasoned alternative is a violation of the public trust. This measure is nothing more than another election year ploy designed by the Republicans around tax time. This is nothing more than a tax gift to the special interests that would like nothing more than to scrap the tax code. The termination of the tax code has become a top priority of the Republican agenda. To vote for this bill without coming forward

with a credible alternative to finance our government's operations is playing our nation's taxpayers for fools.

The most glaring aspect of this measure is the fact the if we pass a bill which terminates the tax code between now and December 21, 2002, our entire economy will be in a state of confusion. The capital markets do not like uncertainty in our country's fiscal policy.

Our industrial and commercial sectors will not have the certainty and predictability required to have an efficient economy. If we pass this bill it is highly likely that the long period of prosperity enjoyed by our nation will soon end. How long can our economy operate without knowing what the tax consequences of their investment decisions will yield? We have come too far from the days of recession in 1991 to take actions that will threaten the hard won progress made to date.

State and local governments that issue tax-exempt municipal bonds with low interest rates to finance capital activity. If we eliminate the tax code without assuring current holders of tax-exempt municipal bonds of their tax status many Americans will be adversely affected.

What about home mortgages? The home mortgage deduction is one of the linchpins of the American dream. Without it, many moderate and low-income Americans would not be able to own their homes. The tax deductibility of home mortgages is not only a great advantage, but it also impacts the entire home builder and mortgage industry that relies on a healthy housing market.

The Scrap the Tax Code Act deserves to be scrapped itself. This bill has nothing but the interest of the wealthy who seek tax relief on the backs of our nation's workers. Let us get onto serious legislation such as gun control, strengthening Social Security and Medicare, as well as, paying down the national debt. If we need to have additional hearings on improving the tax code I am in favor of looking at alternatives. Our people deserve more than election year gimmicks; they deserve serious legislators who produce meaningful legislation that puts families first. Thank you and God bless America.

Mr. POMEROY. Mr. Speaker, I rise in opposition to the Date Certain Tax Code Replacement Act.

I strongly support reforming the nation's tax code to make it fairer, simpler, and less burdensome on the American people. Unfortunately, rather than advancing a constructive tax reform measure, the leadership has proposed a political gimmick—a bill to terminate the tax code without saying what sort of system should replace it. This bill is not only the height of political cynicism, but, if enacted, it could have serious negative consequences for American families, farmers, and businesses.

Families and businesses rely on the tax treatment of certain expenditures in making their financial decisions. For example, employers budget for the health and pension benefits of their workers based on the tax deductibility of these expenses. With the uncertainty created by this legislation, however, employers might very well freeze health and retirement benefits until their tax treatment is determined. In fact, employers might even reduce benefits as hedge against Congress deciding not to extend the tax deductibility of employee benefits. Likewise, the value of American homes would be adversely impacted in the real estate market would wait to see whether Congress would continue the mortgage interest deduction.

For farmers, the consequences would be even more severe. On the Upper Great Plains, farmers are already struggling with low market prices, adverse growing conditions, and a farm policy that includes no safety net. Even with the best financial planning and management, many farmers are finding it nearly impossible to make ends meet. Farming is, by nature, a highly risky proposition. Added uncertainty about the deductibility of interest on operating loans, equipment and land, would move farming from risky to almost foolhardy.

I believe that North Dakotans want fundamental tax reform. However, they're unwilling to buy a ''pig in a poke,'' especially when it relates to taxes. They want to see what system is being proposed as a replacement before simply terminating the code and giving a blank check to Congress.

Mr. Speaker, I urge members to reject this legislation and to get to work on real meaningful tax reform.

Mr. UDALL of Colorado. Mr. Speaker, I've been trying to figure out just what this bill really is, and I've got it narrowed down to two choices. Either this is a belated April Fool's prank or it's the scariest thing since last Halloween.

The idea that Congress would repeal all federal income, estate and gift and excise tax laws without a plan for how to replace them sounds like a joke. But for anybody who's trying to plan, it's not funny. How can a company decide whether to make a multi-year investment if it doesn't know what will be the basis for future tax laws? How can people decide how to invest for their retirement if they don't know what Congress might decide to do about the tax status of their investments?

If the sponsors of this bill are serious—and they are asking us to assume that they are—then they are being remarkably careless. If they aren't serious—and it's tempting to treat this as a joke—then they seem pretty irresponsible. Either way, this is not the kind of legislation that we should be debating today or any day.

But, here it is and we do have to vote. So, I will support the motion to recommit because it would at least fill in some of the blanks in the bill. It would spell out that any replacement for the income and excise tax laws has to be fiscally responsible and not endanger Social Security or Medicare. It would require that the replacement taxes emphasize simplicity and be fair to people at all income levels. And it would rule out any new federal sales taxes on prescription drugs and other health-care necessities or on home purchases and rentals. I think most Americans would agree that these are pretty basic principles that should be followed in shaping any new tax system.

In short, Mr. Speaker, while I don't think the way to go about the hard work of reform is to burn down the house in hopes of putting up something better, we should at least define ''better'' before we start the fire.

Mr. STARK. Mr. Speaker, I adamantly oppose H.R. 4199, a bill to sunset the current Internal Revenue Code without a replacement plan. It is completely ludicrous to bring legislation to the floor that will eliminate the only Tax Code the U.S. Government has to collect revenue and pay for entitlements and various programs. This bill suggests to the American people that in four years, the 108th Congress will come up with a plan to replace the current system, but there are no guarantees. The bill before us today is irresponsible, negligent and hypocritical.

I. IRRESPONSIBLE—NO NEED FOR A COMMISSION

Last year's failed Medicine Commission provides ample evidence that the last thing Congress needs is another commission upon which to place its responsibility.

This bill hands over the responsibility to tax U.S. income to yet another commission. Congress already has an ''in-House'' commission to address problems with the current Tax Code—it's called the Ways and Means Committee. But the Committee on Ways and Means didn't hold a hearing or a markup on the bill before us today. In fact, we've had hearings all week on fundamental tax reform yet H.R. 4199 was never brought before the Committee.

It's high time the leadership stops the charade and works in a bipartisan fashion to address critical problems facing working Americans.

II. NEGLIGENT—NO REPLACEMENT PLAN

This bill neglects to offer a plan in the event that the 108th Congress doesn't actually come up with an alternative approach to current U.S. taxes.

Are we to assume that one of the recent proposals before the Ways and Means Committee will replace the current Code? I would imagine that the GOP's leading testimony on H.R. 2525, the Fair Tax Act, would be a proposal of consideration. If this is the case, then I must fiercely warn my colleagues against supporting H.R. 4199.

The Joint Committee on Taxation—a bipartisan and bicameral Congressional Committee—has concluded that the Fair Tax Act, the leading proposal at this week's Ways & Means tax hearing, will need to impose a near 60 percent tax on goods and services in the U.S. in order to remain revenue neutral. I have a chart here (see attached) to show how this will effect the price of top selling seniors' prescription drugs. Seniors are currently struggling to pay for their prescription drugs and often have to go without them. It is unfathomable that the leadership would want to scrap the current Code only to suggest that proposals as awful as the Fair Tax Act await its replacement.

The GOP has had 5 years to devise a better way to tax U.S. income. But for the past five years all they have given us is an April 15 song and dance.

III. THIS BILL IS HYPOCRITICAL AND HOLLOW

I believe the gentleman from Texas, Mr. ARMEY, is sincere about trying to obtain health insurance for the 44 million Americans without it through a refundable tax cut credit, but we won't reach this goal by ripping out the existing tax code by its roots without replacing it first with a system of either refundable tax credits or subsidies for employer-provided health insurance.

I oppose the current tax structure with respect to the treatment of the pharmaceutical industry and I did something about it. I have introduced a couple of bills that address the unfair tax treatment given to pharmaceutical companies.

I have introduced H.R. 4089, the Save Money for Prescription Drug Research Act of 2000 to deny tax deductions to pharmaceutical firms for spending on unnecessary promotions and gifts (other than drug samples) to physicians. These drug companies currently deduct

a portion of the over $11 billion spent per year on very questionable physician gifts. This bill encourages dedication of these funds for a much more important use—pharmaceutical research and development.

I have also introduced H.R. 3665, the Prescription Price Equity Act of 2000 which would deny research tax credits to pharmaceutical companies that sell their products at significantly higher prices in the U.S. as compared to their sales in other industrialized nations.

My bills accomplish something. My bills address the fact that drug company profits are over three times greater than the average profits of all other U.S. industries while U.S. seniors spend more money on medications than seniors in other parts of the world.

We must have a tax plan in place to ensure that our seniors will receive affordable prescription drugs and that the uninsured have access to health care before we hastily scrap our current Tax Code.

I urge my colleagues to oppose H.R. 4199, the Date Certain Tax Replacement Act and support the motion to recommit.

REPUBLICAN TAX PROPOSALS WILL MAKE YOU SICK

Top selling seniors' prescription drugs	Manufacturer	Use	Average retail price for uninsured seniors	Retail price after Linder-Peterson tax [1]	Retail price after Fair Tax Act of 1999 [2]
Zocor	Merck	Cholesterol	$107.66	$139.96	$172.26
Norvasc	Pfizer, Inc	High Blood Pressure	118.96	154.65	190.34
Prilosec	Astra/Merck	Ulcers	117.56	152.83	188.10
Procardia XL	Pfizer, Inc	Heart Problems	133.22	173.19	213.15
Zoloft	Pfizer, Inc	Depression	223.61	290.69	357.78

[1] Reps. Linder and Collin Peterson's proposal will impose a 30% national retail sales tax.
[2] According to the Joint Committee on Taxation, the Fair Tax Act of 1999 would require a 59.5% sales tax rate to be revenue neutral over five years. We assume this would cause a 60% increase in prices to consumers.
Note.—Chart lists drug prices in common dosage, form, and package sizes.

Mr. BEREUTER. Mr. Speaker, this Member opposes H.R. 4199, the Tax Code Termination Act.

Before going into the reasoning behind this opposition, this Member would like to preface his comments by the following statement. This Member unequivocally believes that substantial but very careful reform is needed for the U.S. tax code. Examples abound of inefficiencies and counterproductive elements of the Internal Revenue Code as it operates today. However, this Member opposes H.R. 4199 for the following four reasons:

(1) This Member does not think that we should delay decision-making as H.R. 4199 provides. We need to decide today's issues today and not defer them to tomorrow.

(2) H.R. 4199 fails for its lack of precision. H.R. 4199 would sunset the current tax code effective December 31, 2004. It is certainly not legislatively, statutorily wise to decide to eliminate the tax code without determining a revenue alternative to replace it with. If such major action should be taken as contemplated by H.R. 4199, a precise alternative Federal tax system needs to be simultaneously decided.

(3) This Member does not support this legislation because it could dramatically discourage investment and cause economic chaos as investors are faced with great uncertainty. If H.R. 4199 is passed, Americans will be in a state of great confusion and apprehension until a replacement tax code is enacted, which could be as late as July 4, 2004. Members of the House need to really consider the decisions that would face businesses and their constituents in this environment of uncertainty. For example, can a corporation make a prudent investment decision if they do not know what the tax consequences of that decision will be just a few years hence? No, they cannot. Will investors continue to be as ready to buy tax-exempt bonds if they are not sure whether this tax exempt status will continue? No, they will not.

Another example of the potentially very negative effects of H.R. 4199 relates to the mortgage interest deduction. A young family which desires to purchase a home for the first time will not know if they can count on a mortgage interest deduction in the future if H.R. 4199 is passed. In fact, this uncertainty may be enough to deter someone from purchasing a house until a replacement tax code is in place.

(4) H.R. 4199 would have a negative effect on state and local entities. The tax benefits, for example, of the investors in public bonds would be negatively affected by the uncertainty created by H.R. 4199. Certainly, local school districts could be adversely affected, along with most other varieties of local governmental bodies.

Mr. Speaker, for these four reasons, just briefly described, this Member must oppose H.R. 4199. We need a fundamental re-examination of America's Federal tax code and it should begin now, but rash action like H.R. 4199 is most assuredly not the way to proceed. Its enactment would have a chilling effect upon our economy and cause greater difficulty in public and private decision-making. All that is lacking to begin such a comprehensive review and reform of our Federal system of taxation is the will or commitment to begin and the organizational and legislative skills to implement such changes. With such a narrow majority in this House, it will also take bipartisan cooperation and good will.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

The Chair will reduce to 5 minutes the time for electronic voting on final passage.

The vote was taken by electronic device, and there were—yeas 191, nays 228, not voting 15, as follows:

[Roll No. 126]

YEAS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal

DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—15

Bliley
Borski
Callahan
Clay
Cook
Evans
Hilliard
Houghton
Miller, George
Myrick
Quinn
Serrano
Stark
Wexler
Young (FL)

□ 1630

Messrs. BILIRAKIS, GANSKE, SHERWOOD, CAMP, BEREUTER, WATKINS, MCINTYRE, and WHITFIELD changed their vote from ''yea'' to ''nay.''

Ms. RIVERS, and Messrs. KIND, BARRETT of Wisconsin, GREEN of Texas, and GEPHARDT, Ms. DELAURO, and Messrs. FATTAH, LARSON, SHERMAN, BERMAN, Ms. SLAUGHTER, and Messrs. LIPINSKI, OWENS, TAYLOR of Mississippi, and GORDON changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 187, not voting 18, as follows:

[Roll No. 127]

YEAS—229

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—18

Bishop
Bliley
Borski
Callahan
Clay
Cook
Evans
Hilliard
Houghton
Lazio
Miller, George
Myrick
Owens
Quinn
Sandlin
Stark
Wexler
Young (FL)

□ 1638

Mr. WOLF and Mr. LEACH 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.

Stated for:

Mr. BISHOP. Mr. Speaker, on rollcall No. 127, I was unavoidably detained and unable to be present for the vote. Had I been present, I would have voted ''yea.''

Mr. SANDLIN. Mr. Speaker, on rollcall No. 127 I inserted my card in the voting machine and voted ''aye''. The board was closing and the vote did not register. Had I been present, I would have voted ''yes.''

Stated against:

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following vote:

On H.R. 4199, to terminate the Internal Revenue Code of 1986, introduced by the gentleman from Oklahoma, Mr. LARGENT, I would have voted ''nay.''

PERSONAL EXPLANATION

Mr. EVANS. Mr. Speaker, I was regrettably detained this afternoon when the votes were taken on H.R. 4199. On the Motion to Recommit, I would have voted ''yea.'' On final Passage, I would have voted ''nay.''

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 303. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1824

Ms. KILPATRICK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1824.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

RURAL LOCAL BROADCAST SIGNAL ACT

Mr. GOODLATTE. Mr. Speaker, pursuant to the order of the House of today, I call up the bill (H.R. 3615) to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006, and ask for its immediate consideration.

The Clerk read the title of the bill.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute considered as adopted to H.R. 3615 under the order of the House of earlier today be an amendment in the nature of a substitute that I have now placed at the desk which shall be considered as read.

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

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I understand that this version of the substitute has been changed in section 4 from the version of the substitute approved by the Committee on Rules.

Mr. Speaker, can the gentleman from Virginia (Mr. GOODLATTE) please reassure me that cooperative lenders, such as CoBank and the National Rural Utilities Cooperative Finance Corporation, are still eligible to participate in the loan program under this bill?

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

Mr. STENHOLM. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, the gentleman is correct. CFC is specifically eligible to participate under the terms of the revised bill, and CoBank is an eligible participant for loans made in accordance with the regulations of the Federal Farm Credit Administration and its governing statute.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, I thank the gentleman very much for that assurance.

Mr. Speaker, I am pleased that these cooperative lenders are eligible to participate. Their demonstrated expertise, capacity, capital strength, and experience in providing financing to rural utility bars should help to make this program a success.

Mr. Speaker, I withdraw my reservation of objection.

□ 1645

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

Mr. LARGENT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Pursuant to the order of the House of today, the bill is considered read for amendment.

The text of H.R. 3615 is as follows:

H.R. 3615

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 ''Rural Local Broadcast Signal Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In 1936, most of the rural United States did not have access to electrical service enjoyed by the rest of the United States, and this lack of electrical service inhibited economic development in the rural areas of the United States.

(2) In response to this lack of service, Congress enacted the Rural Electrification Act of 1936 (also known as the Norris-Rayburn Rural Electrification Act) which established the Rural Electric Administration to ensure that all Americans have access to electrical service and to promote rural development.

(3) The program under the Rural Electrification Act of 1936 has successfully brought electricity to all parts of the rural United States and has stimulated rural development throughout the United States.

(4) In 1949, most of the rural United States did not have access to telephone service enjoyed by the rest of the United States, and this lack of electrical service inhibited economic development in the rural areas of the United States.

(5) In response to this lack of service, Congress amended the Rural Electrification Act of 1936 to assure that the rural United States has access to telecommunications services, including telephone services, distance learning, and telemedicine in order to promote rural development.

(6) The programs under these amendments have successfully brought telecommunications to all parts of the United States and has stimulated rural development throughout the United States.

(7) Public Law 93–32 amended the Rural Electrification Act of 1936 to establish a revolving fund for insured and guaranteed loans.

(8) The reorganization of the Department of Agriculture by Public Law 103–354 created the Rural Utilities Service (RUS) within the Department of Agriculture and assigned it the responsibility for administering programs of federally-guaranteed loans.

(9) The Rural Utilities Service now manages a portfolio of federally-guaranteed loans in excess of $42,000,000,000.

(10) The Rural Utilities Service has granted loans for the purpose of telecommunications services to more than 800 borrowers, including telephone and electricity cooperatives, in all States of the United States.

(11) Local television coverage is vitally important for rural development efforts.

(12) Local television programming broadcasts crop reports, local news, weather reports, public service announcements, and advertisements by local businesses, all of which are important for rural development.

(13) In today's age of modern communications, rural communities often receive the majority of their information from satellite platforms.

(14) The rest of the United States, including most of the rural United States, is not able to receive local television signals via satellite.

(15) Without access to local television signals, the development of the rural United States is greatly inhibited.

(16) Just as important public purposes were served by bringing electricity to the rural United States and then by bringing telephone service to the rural United States, so the United States would be served by ensuring that the rural United States can receive local television signals via satellite.

(17) It is in the public interest that the Rural Utilities Service of the Department of Agriculture utilize existing and new loan guarantee programs to promote rural development by ensuring that the rural United States has access to the signals of local television stations by multichannel video providers.

SEC. 3. RURAL LOCAL TELEVISION SIGNALS.

The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

''TITLE VI—RURAL LOCAL TELEVISION SIGNALS

''SEC. 501. DEFINITIONS.

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Rural Utilities Service.

''(2) AFFILIATE.—The term 'affiliate' means any person or entity that controls, or is controlled by, or is under common control with, another person or entity.

''(3) BORROWER.—The term 'borrower' means any person or entity receiving a loan guarantee under this title.

''(4) COST.—

''(A) IN GENERAL.—The term 'cost' means the estimated long-term cost to the Government of a loan guarantee or modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

''(B) LOAN GUARANTEES.—For purposes of this paragraph the cost of a loan guarantee—

''(i) shall be the net present value, at the time when the guaranteed loan is disbursed, of the estimated cash flows of—

''(I) payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments; and

''(II) payments to the Government, including origination and other fees, penalties, and recoveries; and

''(ii) shall include the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in

the loan guarantee contract, or by the borrower of an option included in the guaranteed loan contract.

''(C) COST OF MODIFICATION.—The cost of the modification shall be the difference between the current estimate of the net present value of the remaining cash flows under the terms of a loan guarantee contract, and the current estimate of the net present value of the remaining cash flows under the terms of the contract, as modified.

''(D) DISCOUNT RATE.—In estimating net present value, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the cash flows of the guarantee for which the estimate is being made.

''(E) FISCAL YEAR ASSUMPTIONS.—When funds of a loan guarantee under this title are obligated, the estimated cost shall be based on the current assumptions, adjusted to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

''(5) CURRENT.—The term 'current' has the meaning given that term in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(6) DESIGNATED MARKET AREA.—The term 'designated market area' has the meaning given that term in section 122(j) of title 17, United States Code.

''(7) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any debt obligation of a non-Federal borrower to the Federal Financing Bank or a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

''(8) MODIFICATION.—The term 'modification' means any Government action that alters the estimated cost of an outstanding loan guarantee (or loan guarantee commitment) from the current estimate of cash flows, including the sale of loan assets, with or without recourse, and the purchase of guaranteed loans.

''(9) COMMON TERMS.—Except as provided in paragraphs (1) through (9), any term used in this title that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given the term in that Act.

''SEC. 502. LOAN GUARANTEES.

''(a) PURPOSE.—The purpose of this title is to enable the Administrator to provide such loan guarantees as are necessary to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006.

''(b) ASSISTANCE TO BORROWERS.—Subject to the appropriations limitation under subsection (c)(2), the Administrator may provide loan guarantees to borrowers to finance projects to provide local television broadcast signals by providers of multichannel video services including direct broadcast satellite licensees and licensees of multichannel multipoint distribution systems, to areas that do not receive local television broadcast signals over commercial for-profit direct-to-home satellite distribution systems. A borrower that receives a loan guarantee under this title may not transfer any part of the proceeds of the monies from the loans guaranteed under this program to an affiliate of the borrower.

''(c) UNDERWRITING CRITERIA; PREREQUISITES.—

''(1) IN GENERAL.—The Administrator shall administer the underwriting criteria developed under subsection (f)(1) to determine which loans are eligible for a guarantee under this title.

''(2) AUTHORITY TO MAKE LOAN GUARANTEES.—The Administrator shall be authorized to guarantee loans under this title only to the extent provided for in advance by appropriations Acts.

''(3) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan is not eligible for a loan guarantee under this title unless—

''(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered to an area not receiving such signals over commercial for-profit direct-to-home satellite distribution systems;

''(B) the proceeds of the loan will not be used for operating expenses;

''(C) the total amount of all such loans may not exceed in the aggregate $1,250,000,000;

''(D) the loan does not exceed $100,000,000, except that 1 loan under this title may exceed $100,000,000, but shall not exceed $625,000,000;

''(E) the loan bears interest and penalties which, in the Administrator's judgment, are not unreasonable, taking into consideration the prevailing interest rates and customary fees incurred under similar obligations in the private capital market; and

''(F) the Administrator determines that taking into account the practices of the private capital markets with respect to the financing of similar projects, the security of the loan is adequate.

''(4) ADDITIONAL CRITERIA.—In addition to the requirements of paragraphs (1), (2), and (3), a loan for which a guarantee is sought under this title shall meet any additional criteria promulgated under subsection (f)(1).

''(d) ADDITIONAL REQUIREMENTS.—The Administrator may not make a loan guarantee under this title unless—

''(1) repayment of the obligation is required to be made within a term of the lesser of—

''(A) 25 years from the date of its execution; or

''(B) the useful life of the primary assets used in the delivery of relevant signals;

''(2) the Administrator has been given the assurances and documentation necessary to review and approve the guaranteed loans; and

''(3) the Administrator makes a determination in writing that—

''(A) the applicant has given reasonable assurances that the assets, facilities, or equipment will be utilized economically and efficiently;

''(B) necessary and sufficient regulatory approvals, spectrum rights, and delivery permissions have been received by project participants to assure the project's ability to repay obligations under this title; and

''(C) repayment of the obligation can reasonably be expected, including the use of an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government.

''(e) APPROVAL OF NTIA REQUIRED.—

''(1) IN GENERAL.—The Administrator may not issue a loan guarantee under this title unless the National Telecommunications and Information Administration consults with the Administrator and certifies that the issuance of the loan guarantee is consistent with subsection (a).

''(2) CERTIFICATION.—The Administrator shall provide the appropriate information on each loan guarantee application recommended by the Administrator to the National Telecommunications and Information Administration for certification. The National Telecommunications and Information Administration shall make the determination required under this subsection within 90 days, without regard to the provision of chapter 5 of title 5, United States Code, and sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.).

''(f) REQUIREMENTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall consult with an independent public accounting firm to develop underwriting criteria relating to the issuance of loan guarantees, appropriate collateral and cash flow levels for the types of loan guarantees that might be issued under this title, and such other matters as the Administrator determines appropriate.

''(2) AUTHORITY OF ADMINISTRATOR.—In lieu of or in combination with appropriations of budget authority to cover the costs of loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990, the Administrator may accept on behalf of an applicant for assistance under this title a commitment from a non-Federal source to fund in whole or in part the credit risk premiums with respect to the applicant's loan. The aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a loan guarantee may not be less than the cost of that loan guarantee.

''(3) CREDIT RISK PREMIUM AMOUNT.—The Administrator shall determine the amount required for credit risk premiums under this subsection on the basis of—

''(A) the circumstances of the applicant, including the amount of collateral offered;

''(B) the proposed schedule of loan disbursements;

''(C) the borrower's business plans for providing service;

''(D) financial commitment from the broadcast signal provider; and

''(E) any other factors the Administrator considers relevant.

''(4) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to paragraph (5).

''(5) COHORTS OF LOANS.—In order to maintain sufficient balances of credit risk premiums to adequately protect the Federal Government from risk of default, while minimizing the length of time the Government retains possession of those balances, the Administrator in consultation with the Office of Management and Budget shall establish cohorts of loans. When all obligations attached to a cohort of loans have been satisfied, credit risk premiums paid for the cohort, and interest accrued thereon, which were not used to mitigate losses shall be returned to the original source on a pro rata basis.

''(g) CONDITIONS OF ASSISTANCE.—A borrower shall agree to such terms and conditions as are sufficient, in the judgment of the Administrator to ensure that, as long as any principal or interest is due and payable on such obligation, the borrower—

''(1) will maintain assets, equipment, facilities, and operations on a continuing basis;

''(2) will not make any discretionary dividend payments that reduce the ability to repay obligations incurred under this section; and

''(3) will remain sufficiently capitalized.

''(h) LIEN ON INTERESTS IN ASSETS.—Upon providing a loan guarantee to a borrower under this title, the Administrator shall have liens which shall be superior to all other liens on assets of the borrower equal to the unpaid balance of the loan subject to such guarantee.

''(i) PERFECTED INTEREST.—The Administrator and the lender shall have a perfected security interest in those assets of the borrower fully sufficient to protect the Administrator and the lender.

''(j) INSURANCE POLICIES.—In accordance with practices of private lenders, as determined by the Administrator, the borrower shall obtain, at its expense, insurance sufficient to protect the interests of the Federal Government, as determined by the Administrator.

''(k) AUTHORIZATION OF APPROPRIATIONS.—For the additional costs of the loans guaranteed under this title, including the cost of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661(a)), there are authorized to be appropriated for fiscal years 2000 through 2006, such amounts as may be necessary. In addition there are authorized to be appropriated such sums as may be necessary to administer this title. Any amounts appropriated under this subsection shall remain available until expended.

''SEC. 503. ADMINISTRATION OF LOAN GUARANTEES.

''(a) APPLICATIONS.—The Administrator shall prescribe the form and contents for an application for a loan guarantee under section 502.

''(b) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guaranteed under this title may assign the loan guarantee in whole or in part, subject to such requirements as the Administrator may prescribe.

''(c) MODIFICATIONS.—The Administrator may approve the modification of any term or condition of a loan guarantee including the rate of interest, time of payment of interest or principal, or security requirements, if the Administrator finds in writing that—

''(1) the modification is equitable and is in the overall best interests of the United States;

''(2) consent has been obtained from the borrower and the lender;

''(3) the modification is consistent with the objective underwriting criteria developed in consultation with an independent public accounting firm under section 502(f);

''(4) the modification does not adversely affect the Federal Government's interest in the entity's assets or loan collateral;

''(5) the modification does not adversely affect the entity's ability to repay the loan; and

''(6) the National Telecommunications and Information Administration does not object to the modification on the ground that it is inconsistent with the certification under section 502(e).

''(d) PRIORITY MARKETS.—

''(1) IN GENERAL.—To the maximum extent practicable, the Administrator shall give priority to projects which serve the most underserved rural markets, as determined by the Administrator. In making prioritization determinations, the Administrator shall consider prevailing market conditions, feasibility of providing service, population, terrain, and other factors the Administrator determines appropriate.

''(2) PRIORITY RELATING TO CONSUMER COSTS AND SEPARATE TIER OF SIGNALS.—The Administrator shall give priority to projects that—

''(A) offer a separate tier of local broadcast signals; and

''(B) provide lower projected costs to consumers of such separate tier.

''(3) PERFORMANCE SCHEDULES.—Applicants for priority projects under this section shall enter into stipulated performance schedules with the Administrator.

''(4) PENALTY.—The Administrator may assess a borrower a penalty not to exceed 3 times the interest due on the guaranteed loan, if the borrower fails to meet its stipulated performance schedule. The penalty shall be paid to the account established under section 502.

''(5) LIMITATION ON CONSIDERATION OF MOST POPULATED AREAS.—The Administrator shall not provide a loan guarantee for a project that is primarily designed to serve the 40 most populated designated market areas and shall take into consideration the importance of serving rural markets that are not likely to be otherwise offered service under section 122 of title 17, United States Code, except through the loan guarantee program under this title.

''(e) COMPLIANCE.—The Administrator shall enforce compliance by an applicant and any other party to the loan guarantee for whose benefit assistance is intended, with the provisions of this title, regulations issued hereunder, and the terms and conditions of the loan guarantee, including through regular periodic inspections and audits.

''(f) COMMERCIAL VALIDITY.—For purposes of claims by any party other than the Administrator, a loan guarantee or loan guarantee commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of the title, and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder thereof, including the original lender or any other holder, as of the date when the Administrator granted the application therefore, except as to fraud or material misrepresentation by such holder.

''(g) DEFAULTS.—The Administrator shall prescribe regulations governing a default on a loan guaranteed under this title.

''(h) RIGHTS OF THE ADMINISTRATOR.—

''(1) SUBROGATION.—If the Administrator authorizes payment to a holder, or a holder's agent, under subsection (g) in connection with a loan guarantee made under section 502, the Administrator shall be subrogated to all of the rights of the holder with respect to the obligor under the loan.

''(2) DISPOSITION OF PROPERTY.—The Administrator may complete, recondition, reconstruct, renovate, repair, maintain, operate, rent, sell, or otherwise dispose of any property or other interests obtained under this section in a manner that maximizes taxpayer return and is consistent with the public convenience and necessity.

''(i) ACTION AGAINST OBLIGOR.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this title. The holder of a guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action. The Administrator may accept property in full or partial satisfaction of any sums owed as a result of default. If the Administrator receives, through the sale or other disposition of such property, an amount greater than the aggregate of—

''(1) the amount paid to the holder of a guarantee under subsection (g); and

''(2) any other cost to the United States of remedying the default, the Administrator shall pay such excess to the obligor.

''(j) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Administrator finds is in violation of this title, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the borrower.

''(k) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator prior to the entry of final judgment to such effect in any State, Federal, or other court.

''(l) INVESTIGATION CHARGE AND FEES.—

''(1) APPRAISAL FEE.—The Administrator may charge and collect from an applicant a reasonable fee for appraisal for the value of the equipment or facilities for which the loan guarantee is sought, and for making necessary determinations and findings. The fee may not, in the aggregate, be more than one-half of one percent of the principal amount of the obligation. The fee imposed under this paragraph shall be used to offset the administrative costs of the program.

''(2) LOAN ORIGINATION FEE.—The Administrator may charge a loan origination fee.

''(m) ANNUAL AUDIT.—The Comptroller General of the United States shall annually audit the administration of this title and report the results of the audit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

''(n) INDEMNIFICATION.—An affiliate of the borrower shall indemnify the Government for any losses it incurs as a result of—

''(1) a judgment against the borrower;

''(2) any breach by the borrower of its obligations under the loan guarantee agreement;

''(3) any violation of the provisions of this title by the borrower;

''(4) any penalties incurred by the borrower for any reason, including the violation of the stipulated performance; and

''(5) any other circumstances that the Administrator determines to be appropriate.

''(o) SUNSET.—The Administrator may not approve a loan guarantee under this title after December 31, 2006.

''SEC. 504. RETRANSMISSION OF LOCAL TELEVISION BROADCAST STATIONS.

''A borrower shall be subject to applicable rights, obligations, and limitations of title 17, United States Code. If a local broadcast station requests carriage of its signal and is located in a market not served by a satellite carrier providing service under a statutory license under section 122 of title 17, United States Code, the borrower shall carry the signal of that station without charge and shall be subject to the applicable rights, obligations, and limitations of sections 338, 614, and 615 of the Communications Act of 1934.''.

The SPEAKER pro tempore. The amendment now at the desk is adopted in lieu of the amendment printed in the bill.

The text of H.R. 3615, as amended, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural Local Broadcast Signal Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Rural television loan guarantee board.
Sec. 4. Approval of loan guarantees.
Sec. 5. Administration of loan guarantees.
Sec. 6. Prohibition on use of funds for spectrum auctions.
Sec. 7. Prohibition on use of funds by incumbent cable operators.
Sec. 8. Annual audit.
Sec. 9. Exemption from must carry requirements.
Sec. 10. Additional availability of broadcast signals in rural areas.
Sec. 11. Improved cellular service in rural areas.
Sec. 12. Technical amendment.
Sec. 13. Definitions.

Sec. 14. Authorizations of appropriations.
Sec. 15. Sunset.

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in unserved areas and underserved areas.

SEC. 3. RURAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the Rural Television Loan Guarantee Board (in this Act referred to as the ''Board'').

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Secretary of Agriculture, or the designee of the Secretary.

(C) The Secretary of Commerce, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 15 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered principally to an unserved area or an underserved area (or both);

(B) the proceeds of the loan will not be used for operating, advertising, or promotion expenses;

(C) the proposed project, as determined by the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or an underserved area (or both), and is commercially viable;

(D) the loan is provided by—

(i) an insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act) that is acceptable to the Board;

(ii) a lender that is acceptable to the Board, and—

(I) has not fewer than one issue of outstanding debt that is related within the highest three rating categories of a nationally recognized statistical rating agency; or

(II) has provided financing to entities with outstanding debt from the Rural Utilities Service and which possess, in the judgment of the Board, the expertise, capacity, and capital strength to provide financing pursuant to this Act; or

(iii) a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long-term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis;

(E) the loan (including Other Debt as defined in subsection (f)(2)(B)) is not provided by a lender that is a governmental entity, the Federal Agricultural Mortgage Corporation, any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of any such entity;

(F) the loan has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(G) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(H) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the ''Amount'' for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas and the number of States (including noncontiguous States); and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a project that is designed primarily to serve 1 or more of the 40 most populated designated market areas (as that term is defined in section 122(j) of title 17, United States Code).

(2) OTHER CONSIDERATIONS.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this Act by a means reasonably compatible with existing systems or devices predominantly in use.

(f) GUARANTEE LIMITS.—

(1) LIMITATION ON AGGREGATE VALUE OF LOANS.—The aggregate value of all loans for which loan guarantees are issued under this Act (including the unguaranteed portion of loans issued under paragraph (2)(A)) and Other Debt under paragraph (2)(B) may not exceed $1,250,000,000.

(2) GUARANTEE LEVEL.—A loan guarantee issued under this Act—

(A) may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements (the ''applicable portion'') and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion; or

(B) may, as to a loan meeting in its entirety the requirements of subsection (d)(2)(A), cover the amount of such loan only if that loan is for an amount not exceeding 80 percent of the total debt financing for the project, and other debt financing (also meeting in its entirety the requirements of subsection (d)(2)(A)) from the same source for a total amount not less than 20 percent of the total debt financing for the project (''Other Debt'') has been approved.

(g) UNDERWRITING CRITERIA.—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this Act, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) CREDIT RISK PREMIUMS.—

(1) ESTABLISHMENT AND ACCEPTANCE.—The Board may establish and approve the acceptance of credit risk premiums with respect to a loan guarantee under this Act in order to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this Act, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(2) CREDIT RISK PREMIUM AMOUNT.—

(A) IN GENERAL.—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this Act on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) PROPORTIONALITY.—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of loan guarantees under this Act, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account (the ''Escrow Account'') established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this Act and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (h) and (i) of section 5 of this Act, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this Act shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(G) when all loans guaranteed under this Act have been repaid or otherwise satisfied in accordance with this Act and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans guaranteed under this Act were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this Act shall not be subject to judicial review.

SEC. 5. ADMINISTRATION OF LOAN GUARANTEES.

(a) IN GENERAL.—The Administrator of the Rural Utilities Service (in this Act referred to as the ''Administrator'') shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 3 and 4 of this Act.

(b) SECURITY FOR PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

(1) TERMS AND CONDITIONS.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this Act, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this Act;

(C) shall remain sufficiently capitalized; and

(D) shall submit to, and cooperate fully with, any audit of the applicant under section 8(a)(2) of this Act.

(2) COLLATERAL.—

(A) EXISTENCE OF ADEQUATE COLLATERAL.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this Act.

(B) FORM OF COLLATERAL.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) REVIEW OF VALUATION.—The value of collateral securing a loan guaranteed under this Act may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) LIEN ON INTERESTS IN ASSETS.—Upon the Board's approval of a loan guarantee under this Act, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 4(d)(3)(B)(iii) of this Act.

(4) PERFECTED SECURITY INTEREST.—With respect to a loan guaranteed under this Act, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) INSURANCE.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this Act shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee under this Act may assign the loan guaranteed under this Act in whole or in part, subject to such requirements as the Board may prescribe.

(d) MODIFICATION.—The Board may approve the modification of any term or condition of a loan guarantee or a loan guaranteed under this Act, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the modification is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the modification is consistent with the underwriting criteria developed under section 4(g) of this Act;

(4) the modification does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the modification does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the modification.

(e) PERFORMANCE SCHEDULES.—

(1) PERFORMANCE SCHEDULES.—An applicant for a loan guarantee under this Act for a project covered by section 4(e)(1) of this Act shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) PENALTY.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this Act if the applicant fails to meet its stipulated performance schedule under that paragraph.

(f) COMPLIANCE.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this Act is intended, with

the provisions of this Act, any regulations under this Act, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(g) COMMERCIAL VALIDITY.—A loan guarantee under this Act shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for the loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(h) DEFAULTS.—The Board shall prescribe regulations governing defaults on loans guaranteed under this Act, including the administration of the payment of guaranteed amounts upon default.

(i) RECOVERY OF PAYMENTS.—

(1) IN GENERAL.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this Act the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) DISPOSITION OF PROPERTY.—

(A) SALE OR DISPOSAL.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this Act in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) MAINTENANCE.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(j) ACTION AGAINST OBLIGOR.—

(1) AUTHORITY TO BRING CIVIL ACTION.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this Act. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) FULLY SATISFYING OBLIGATIONS OWED THE UNITED STATES.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this Act, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(k) BREACH OF CONDITIONS.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this Act, the regulations under this Act, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.

(l) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this Act before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(m) FEES.—

(1) APPLICATION FEE.—The Board shall charge and collect from an applicant for a loan guarantee under this Act a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this Act. The amount of the fee shall be reasonable.

(2) LOAN GUARANTEE ORIGINATION FEE.—The Board shall charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this Act.

(3) USE OF FEES COLLECTED.—Any fee collected under this subsection shall be used to offset administrative costs under this Act, including costs of the Board and of the Administrator.

(n) REQUIREMENTS RELATING TO AFFILIATES.—

(1) INDEMNIFICATION.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this Act for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this Act, and the regulations prescribed under this Act, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (e); and

(E) any other circumstances that the Board considers appropriate.

(2) LIMITATION ON TRANSFER OF LOAN PROCEEDS.—An applicant for a loan guarantee under this Act may not transfer any part of the proceeds of the loan to an affiliate.

(o) EFFECT OF BANKRUPTCY.—(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this Act and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this Act.

SEC. 6. PROHIBITION ON USE OF FUNDS FOR SPECTRUM AUCTIONS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for the acquisition of licenses for the use of spectrum in any competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 7. PROHIBITION ON USE OF FUNDS BY INCUMBENT CABLE OPERATORS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for—

(1) the extension of any cable system to any area or areas for which the cable operator of such cable system has a cable franchise, if such franchise obligates the operator to extend such system to such area or areas; or

(2) the upgrading or enhancement of the services provided over any cable system, unless such upgrading or enhancement is principally undertaken to extend services to areas outside of the previously existing franchise area of the cable operator.

SEC. 8. ANNUAL AUDIT.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct on an annual basis an audit of—

(1) the administration of the provisions of this Act; and

(2) the financial position of each applicant who receives a loan guarantee under this Act, including the nature, amount, and purpose of investments made by the applicant.

(b) REPORT.—The Comptroller General shall submit to the Congress a report on each audit conducted under subsection (a).

SEC. 9. EXEMPTION FROM MUST CARRY REQUIREMENTS.

A facility of a satellite carrier, cable system, or other multichannel video programming distributor that is financed with a loan guaranteed under this Act and that delivers local broadcast signals in a television market pursuant to the provisions of section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338, 534, or 535) shall not be required to carry in such market a greater number of local broadcast signals than the number of such signals that is carried by the cable system serving the largest number of subscribers in such market.

SEC. 10. ADDITIONAL AVAILABILITY OF BROADCAST SIGNALS IN RURAL AREAS.

(a) OPENING OF FILING FOR ADDITIONAL TRANSLATOR AND LOW-POWER STATIONS.—The Federal Communications Commission shall, in accordance with its regulations, open a filing period window for the acceptance of applications for television translator stations and low-power television stations in rural areas.

(b) DEADLINES FOR NOTICE.—The Commission shall announce the filing period window no less than 90 days prior to the commencement of the window.

SEC. 11. IMPROVED CELLULAR SERVICE IN RURAL AREAS.

(a) REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.—

(1) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in paragraph (3), the Commission shall—

(A) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(B) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(2) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to paragraph (1)(B), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(3) PROCEEDING.—The proceeding described in this paragraph is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P, Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

(b) CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.—

(1) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(2) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radiotelephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under

section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of subsection (d)(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(3) CALCULATION OF LICENSE FEE.—

(A) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(i) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(ii) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(B) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by subsection (a)(1)(B), the Commission shall notify each applicant of the fee established for the license associated with its application.

(4) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to paragraph (3) for the license granted to the applicant under paragraph (1).

(5) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to subsection (a)(1)(B), the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under paragraph (2) of this subsection, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to subsection (a)(1)(B) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(c) PROHIBITION OF TRANSFER.—During the 5-year period that begins on the date that an applicant is granted any license pursuant to subsection (a), the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to subsection (a) from contracting with other licensees to improve cellular telephone service.

(d) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term ''applicant'' means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term ''covered rural service area licensing proceeding'' means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term ''tentative selectee'' means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

SEC. 12. TECHNICAL AMENDMENT.

Section 339(c) of the Communications Act of 1934 (47 U.S.C. 339(c)) is amended by adding at the end the following new paragraph:

''(5) DEFINITION.—Notwithstanding subsection (d)(4), for purposes of paragraphs (2) and (4) of this subsection, the term 'satellite carrier' includes a distributor (as defined in section 119(d)(1) of title 17, United States Code), but only if the satellite distributor's relationship with the subscriber includes billing, collection, service activation, and service deactivation.''.

SEC. 13. DEFINITIONS.

In this Act:

(1) AFFILIATE.—The term ''affiliate''—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) UNSERVED AREA.—The term ''unserved area'' means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to local television broadcast signals from any commercial, for-profit multichannel video provider.

(3) UNDERSERVED AREA.—The term ''underserved area'' means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (4), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 14. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this Act, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

SEC. 16. SUNSET.

No loan guarantee may be approved under this Act after December 31, 2006.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE), the gentleman from Texas (Mr. STENHOLM), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Massachusetts (Mr. MARKEY) each will control 15 minutes.

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

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

Mr. Speaker, like many of my colleagues here today, I represent a congressional district that is not near a large urban center. The largest city in my district, Roanoke, has a population of slightly more than 100,000 people. However, folks in cities as large as Roanoke, Virginia; Honolulu, Hawaii; and Springfield, Missouri, are unlikely to benefit from the most important parts of legislation enacted last fall known as the Satellite Home Viewer Act.

This legislation, which I served as a conferee on with many of my colleagues here today, was designed to address a problem experienced by thousands of Americans who are frustrated that they either could not receive their local network signal or had to receive a poor quality local network signal through a rooftop antenna rather than receive a network signal through their satellite provider. The bill addressed this by allowing direct broadcast satellite providers to immediately begin retransmitting local television broadcast signals into the broadcast station's area.

Consumers across the country expressed their support for this legislation and the availability of ''local-into-local'' technology. I know my office received thousands of letters and calls from constituents concerned about this issue. This new law allows satellite providers to become more effective competitors to cable operators who have been able to provide local over-the-air broadcast stations to their subscribers for years. It will also benefit American consumers in markets where local TV via satellite is made available by offering them full service digital television at an affordable price.

More importantly, these consumers will benefit from local news, weather reports, information such as natural disasters or community emergencies, local sports, politics and election information as well as other information that is vital to the integrity of communities across the country. Local TV via satellite is already available to satellite subscribers in America's 20 largest television markets. In these markets, DirecTV and Echostar, the existing satellite platform providers, have begun retransmission of affiliates of the ABC, CBS, NBC, and Fox broadcast networks. DirecTV and Echostar have also announced their intention to begin retransmission of local TV stations in an additional 20 or 30 television markets over the next 24 months.

Ultimately, the two existing satellite platform providers will provide local TV via satellite to households in most if not all of the 50 largest television markets in the United States. However, there are 211 television markets in the United States, and in excess of 100 million U.S. TV households. As this chart illustrates, the red dots indicate

cities that have been served effective January 31 of this year, and the yellow dots are announced or probable cities. The rest of the country, including 161 television markets, is not going to be served by the legislation we passed last fall.

Therefore, if matters are left solely to the initiative of the existing satellite platform providers, more than 50 percent of existing satellite subscribers, over 6 million households, will continue to be deprived of their local TV stations; more than 60 percent of existing commercial television stations, over 1,000, will not be available via satellite; and more than 30 million U.S. TV households will remain beyond the reach of local TV via satellite. Put another way, local TV via satellite will not be available in 27 States.

So while the law enacted last fall has eliminated the legal barriers to delivery of local TV via satellite, it alone will not assure delivery of local TV via satellite to the majority of local TV stations and satellite subscribers. For that reason I have joined with my colleagues in the House to introduce legislation that will assure that all Americans, not just those in the most profitable urban markets, did receive their local TV signals in a way that provides local information in a competitive environment for consumers.

This legislation represents a hard-fought compromise between versions reported by the House Agriculture and House Commerce Committees. I want to express my appreciation to members of both committees for their willingness to work together to reach this agreement. The substitute authorizes the administrator of the Rural Utilities Service, with the approval of the National Telecommunications and Information Administration, to administer loan guarantees not exceeding $1.25 billion for providing local broadcast TV signals in unserved and underserved markets.

The loan guarantees will be approved by a board consisting of the Secretaries of Agriculture, Commerce and Treasury. The loan guarantee may not exceed 80 percent of a loan, and the board may not approve a loan guarantee for a project that is designed to serve primarily one or more of the top 40 markets. The substitute also includes restrictions on which lending institutions can qualify for loan guarantees. Under this compromise, the board should give priority consideration first to unserved areas, then to underserved areas.

Unserved areas are defined as areas outside Grade B where there is no access to local signals from a for-profit multichannel video provider. Underserved areas are defined as those areas outside Grade A where there is no more than one for-profit multichannel video provider. In addition, the compromise requires that the value of collateral provided by the applicant must be at least equal to the unpaid balance of the loan amount covered by the loan guarantee. The loan guarantee may not be used for the acquisition of spectrum and funds cannot be used by incumbent cable companies in their own franchise territories.

In addition, under the compromise, the system providing local signals shall not be required to carry in a market a greater number of local broadcast signals than the number of such signals that is carried by the cable system serving the largest number of subscribers in that market. This is different than the version of the legislation that I introduced which applied full must-carry rules to the program.

Mr. Speaker, legislation similar to this bill was sponsored by Senators GRAMM and BURNS and passed the Senate on March 30 by a vote of 97–0. I want to particularly thank Senator GRAMM and Senator BURNS for their help. Senator BURNS represents the State of Montana, a rural area that is vitally impacted by this legislation; and he is to be commended for his leadership in the Senate as is Senator GRAMM for his leadership in getting this, legislation passed through the United States Senate.

The bill is crucial for Americans in rural and smaller markets who rely on their local television stations for news, politics, weather, sports, and emergency information. Local television is often the only lifeline folks have in cases of natural disasters such as hurricanes, tornadoes, blizzards, earthquakes, or flooding. The bill's language to encourage the delivery of local television signals to these constituents in America will not only benefit consumers, it will save lives.

Mr. Speaker, in closing, I want to thank several individuals here, most importantly my colleague from my adjoining district in Virginia (Mr. BOUCHER) whose leadership both in the conference last year and getting us to this point in this legislative process today has been absolutely vital. He too has a district like mine that badly needs this legislation, but he too recognizes the importance of this to all of America. I also want to thank the gentleman from Louisiana (Mr. TAUZIN), the chairman of the subcommittee, who has been vitally important in crafting good legislation in the Committee on Commerce and his full committee chairman, the gentleman from Virginia (Mr. BLILEY), for their input. In the Committee on the Judiciary, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Illinois (Mr. HYDE) have made a great contribution. And then the primary committee, the Committee on Agriculture, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM), have also provided valuable support for this legislation. I thank them all.

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

Mr. STENHOLM. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 3615. H.R. 3615 was introduced on February 10, 2000, and was referred to three different committees, Judiciary, Commerce and Agriculture. The House Committee on Agriculture unanimously approved this bill on February 16. The Committee on Commerce approved their version on March 29. The Committee on the Judiciary was discharged from consideration on March 31. The legislation before us today is a compromise between the agriculture and commerce committees. The bill establishes a loan guarantee program within the United States Department of Agriculture Rural Utilities Service for the purpose of providing local broadcast television signals.

This bill under consideration today was originally included as a provision in the Satellite Home Viewer Improvement Act that was enacted last year. Unfortunately, these provisions were deleted from the final version of the bill. The Satellite Home Viewer Improvement Act permits satellite companies to retransmit local network signals back into its local market area and gives consumers greater access to network television stations by allowing satellite television companies to effectively compete with cable television providers.

Today's rural Americans do not benefit from the competition provided in the Satellite Home Viewer Improvement Act. DirecTV and Echostar, the U.S.'s only satellite television providers, will not offer local-into-local broadcast television service in rural television markets. The loan guarantee proposed by H.R. 3615 will make it technologically and financially feasible for entities to develop technologies that will bring local-into-local broadcast television service to smaller rural television markets.

I am pleased that cooperative lenders such as CoBank and the National Rural Utilities Cooperative Finance Corporation are eligible to participate in the loan guarantee program under section 4(d) of the bill. Their expertise, capacity, capital strength, and experience in providing financing to rural utility service borrowers should help to make this program a success. People living in rural areas need to have access to their local broadcasters' programming, local news, weather, sports, and, most importantly, emergency information services. Local television is one of our most vital safety information sources in times of natural disasters or other emergencies. This legislation promises to both improve consumer quality of life and more importantly save lives.

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

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

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

Mr. Speaker, I rise in strong support of this bill and urge my colleagues to do so, too. Last year this Congress passed a bill that would enable satellite carriers to provide consumers with access to their local broadcast

signals, but there is a problem. It is because satellite carriers by their own admission have no capacity and no plans to offer this new local-into-local service to the Nation's smallest markets. They plan to offer them to the top 70 markets approximately, serving about 70 percent of American television households. That leaves out 30 percent of American households and well over 100 smaller markets.

Now, this bill will remedy that. The bill authorizes the Department of Agriculture to provide up to $1.25 billion in loan guarantees, not loans, loan guarantees, to cable and satellite companies that plan to offer this local-into-local broadcast service to rural consumers across America. It is important to note that while local-into-local satellite technology is an important step, it is not the only technology that might be capable of achieving this objective. A variety of terrestrial services, for example, both wireless and wired can serve the same goal and hopefully will.

It is for this reason that in the Committee on Commerce, we worked to ensure that the bill was technologically neutral. We should not and we do not in this bill pick the winners and the losers. The bill is about enabling everyone the same opportunity to receive multichannel access to broadcast signals. From here on out, it is up to the marketplace to decide who wins and who loses.

Let me also say that on the Committee on Commerce my colleagues and I made a number of other changes to the bill that protect the interest of taxpayers here. For example, we designated an interagency board that will approve the loans under this program. We also capped the loans to 80 percent of the amount borrowed, so the guarantee is only up to 80 percent. We ensure that the American taxpayer's lien would be superior to any other lien that might be against the property of a borrower. On balance, this is indeed a bill worthy of my colleagues' support. It is balanced and fiscally responsible. I urge its adoption.

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

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is a bill that has some good parts and some not so good parts. It does seek to advance the goal of ensuring that there is access to satellite-delivered local TV stations in every community in the United States.

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Without question, as it came out of committee, there were provisions that would have really hurt other competing companies, such as North Point, that have, thank goodness been removed. As well, the loans cannot be utilized to go bid at FCC auctions, and there are other provisions which ensure that the loans cannot be used for operating, advertising, or for promotional expenses. So there are some safeguards which have been built in here.

I think that the bill can be further protected. My hope is that between now and the conclusion of the conference committee, that we will be able to achieve the goal of ensuring that this bill advances solely competitive purposes, and is not used for any other purpose.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

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

Mr. Speaker, as many know, this was an important part of the legislation from last session concerning the Satellite Home Viewers Act. I believe the citizens in rural areas, particularly those in the Sixth District of North Carolina, deserve the same opportunities others have to be served by local broadcasters.

It is important to proliferate local stations serving local areas so all can receive their local news, local community service and particularly emergency weather updates for that area. To demonstrate how important this is, you only have to ask my fellow citizens from eastern North Carolina who were victimized by those tragic floods just last year. It is my hope that this legislation serves as a catalyst, Mr. Speaker, for accomplishing that goal.

It is my further hope that the Senate will take the bill and enact it. If it does not, any conference may be tempted to expand the reach of the current legislation.

I am glad the Committee on the Judiciary was able to assist in moving this bill quickly, and I reiterate the interest of the gentleman from Illinois (Chairman HYDE) in our participation in any such conference, but hope we can move it quickly into law.

Finally, Mr. Speaker, I think the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Virginia (Mr. GOODLATTE) were the lead dogs, if you will, on this legislation. They were tireless in their efforts, and I commend them for that.

Mr. STENHOLM. Mr. Speaker, I yield 4 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

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

Mr. Speaker, I live in rural America, and I represent a predominantly rural district. I also cochair the Congressional Rural Caucus. This is an issue that is critical to rural America, and, indeed, critical to all Americans.

It is essential that rural Americans not be treated as second-class citizens who are denied access to local television stations for news, weather, sports, and emergency information. Indeed, one need not look further than my own district in eastern North Carolina to see the critical role that local television news play when disasters such as hurricane, tornadoes, blizzards, earthquakes, or floods strike.

Last winter a fast-moving snowstorm with near-blizzard conditions left a record snowfall of 23 inches in parts of my district. Last fall, three hurricanes and a subsequent 500-year flood left flood waters that covered nearly 20,000 square miles of North Carolina, a land mass greater than the size of the State of Maryland. It took weeks for the flood waters to recede, and disaster relief efforts are still going on to date.

Local news provides vital information on safety procedures, emergency shelter, location, and how to obtain assistance. In addition, local television broadcasts of crop reports, local news, weather reports, public service announcements, and advertisements by local business are important to rural development.

Let me repeat that rural citizens in North Carolina, in fact, rural citizens in America, should not be disadvantaged and must have access to the same network and local television service at the same affordable prices as citizens in urban and suburban areas.

The Rural Local Broadcast Signal Act established a $1.2 billion loan guarantee to help finance satellite companies in unserved and underserved rural areas. It is clear that without this financial incentive of a loan guarantee program, many rural markets of the country would not have access to local television signals via satellite.

The economy of scale in rural areas has to be compensated because the private sector will not and cannot provide the expensive initial investment needed. A Federal loan guarantee program will enable affordable capital to be available to finance satellite systems for the delivery of local television signals. I am pleased that the committee saw fit to exclude a potentially damaging amendment that would have delayed the entire loan program for 90 days pending certain testing. Such an amendment would have been unnecessary and harmful.

I am also pleased that the cooperative lenders such as CoBank and the National Rural Utilities Cooperative Finance Corporation are eligible to participate in the loan guarantee program under section 4(d) of the bill. Their expertise, capacity, capital strength, and experience in providing financial assistance to rural utility service borrowers should be used and has been valuable in the past.

Mr. Speaker, I support the establishment of a loan guarantee program, and I urge all of our colleagues to support this very necessary legislation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to my friend and mentor, the gentleman from New York (Mr. GILMAN).

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

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

Mr. Speaker, permit me to take this opportunity to thank the gentleman from Louisiana (Mr. TAUZIN), the distinguished subcommittee chairman, and the gentleman from Virginia (Mr.

GOODLATTE) for bringing this measure to the floor at this time and permitting me to speak in support of this legislation.

H.R. 3615, the Rural Local Broadcast Signal Act, was introduced in response to the announcement by the major satellite carriers that, following enactment of the Satellite Home Viewer Act last fall, satellite carriers would be providing only newly authorized local network TV broadcast services in the largest markets, rather than the more rural areas. These satellite providers have stated it is not economically feasible to provide such service to our rural areas. Since many rural areas of our Nation are not served by broadcast TV or cable service, legislation is necessary to encourage the delivery of local network TV service to our rural Americans. This legislation amends the Rural Electrification Act of 1936 in order to provide local TV networks to rural satellite customers.

Mr. Speaker, the purpose of this bill is to ensure improved access of local TV signals into unserved or underserved rural areas by December 31, 2006. The bill is languaged to provide local TV signals to rural Americans, which will not only benefit consumers, but it can save lives.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Virginia (Mr. GOODLATTE) for introducing this important measure and affording me the opportunity to include my legislation, H.R. 1817, as a provision of the bill.

Accordingly, I urge our colleagues to fully support this important measure for all the rural communities throughout our Nation.

Mr. TAUZIN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. BOUCHER), the ''lead dog'' on the Democratic side on this bill.

Mr. BOUCHER. Mr. Speaker, I thank my friend from Massachusetts for yielding me time.

Mr. Speaker, I rise in strong support of this measure in which I am pleased to join my colleague, the gentleman from Virginia (Mr. GOODLATTE), as principal cosponsor. The passage of this legislation is urgently needed. It offers the only opportunity for residents of medium-sized and small cities and virtually all of rural America to benefit from the new service that delivers local television signals to homes with satellite dishes.

Last year we enacted a new law which, for the first time, enabled satellite television companies to deliver to satellite dish owners local television signals in addition to the national programming that these companies have traditionally offered. That was the good news.

The somewhat less than good news is that those companies have decided that they can only make a profit by offering the new local into local service in the largest cities. Accordingly, medium-sized and small cities and rural portions of the Nation will not be served by the commercial companies.

Of the 211 local television markets in the Nation, at most 67 will receive the commercially provided local into local satellite television service. The bill that the gentleman from Virginia (Mr. GOODLATTE) and I have put forward is designed to fill the gap. Our intent is to create a means for every person who desires the service to have access to his local television stations delivered by satellite. Then, for the first time, there will be on a nationwide basis a truly viable competitive alternative to cable television. With the addition of the local TV service, satellite companies will be able to offer exactly the same programs, including local broadcast signals, that cable television has traditionally offered.

For the first time, cable rates will be set through a competitive market and will be restrained. For the first time, the residents of many rural regions, such as the mountainous portion of Virginia that the gentleman from Virginia (Mr. GOODLATTE) and I represent, who are blocked from the receipt of local TV signals because of mountainous terrain, will be able to view with a clear digital signal the local stations which are broadcast in their area.

We will achieve these goals by providing a Federal loan guarantee in the amount of $1.25 billion through which a self-sustaining affordable service offering local TV signals by satellite can be launched on a nationwide basis. By this means, the residents of all 211 local television markets in the Nation will soon receive the new local into local satellite delivered television service.

I want to commend my friend and colleague from Virginia (Mr. GOODLATTE) for his leadership, as together we have structured this approach and brought the bill to the point of passage in the House today. It is a pleasure to work with the gentleman as we advance the interests of all rural Americans.

I also want to thank the chairmen and ranking members of the Committee on Commerce and the Committee on Agriculture for their excellent cooperation in bringing the measure to the floor. With the step that we are taking, we can assure that local news, sports, emergency announcements, weather reports, and community service programming that contribute to the broad popularity of local television broadcasts are available, not just in the largest cities, but in all television markets throughout the Nation.

Mr. Speaker, I am pleased to join with the gentleman from Virginia (Mr. GOODLATTE) and others who will speak in urging the approval of this measure by the House today.

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

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute considered as adopted to H.R. 3615 under the order of the House of earlier today be the amendment in the nature of a substitute that I have now placed at the desk, which shall be considered as read.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I do so for purposes of clarifying if the original colloquy that I had a moment ago still applies to the amendment in the nature of a substitute that you have placed at the desk?

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

Mr. STENHOLM. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, the gentleman is correct.

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural Local Broadcast Signal Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Rural television loan guarantee board.
Sec. 4. Approval of loan guarantees.
Sec. 5. Administration of loan guarantees.
Sec. 6. Prohibition on use of funds for spectrum auctions.
Sec. 7. Prohibition on use of funds by incumbent cable operators.
Sec. 8. Annual audit.
Sec. 9. Exemption from must carry requirements.
Sec. 10. Additional availability of broadcast signals in rural areas.
Sec. 11. Improved cellular service in rural areas.
Sec. 12. Technical amendment.
Sec. 13. Definitions.
Sec. 14. Authorizations of appropriations.
Sec. 15. Sunset.

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in unserved areas and underserved areas.

SEC. 3. RURAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the Rural Television Loan Guarantee Board (in this Act referred to as the ''Board'').

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Secretary of Agriculture, or the designee of the Secretary.

(C) The Secretary of Commerce, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States

pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 15 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered principally to an unserved area or an underserved area (or both);

(B) the proceeds of the loan will not be used for operating, advertising, or promotion expenses;

(C) the proposed project, as determined by the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or an underserved area (or both), and is commercially viable;

(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

(I) is provided by any entity engaged in the business of commercial lending—

(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

(bb) if item (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

(II) is provided by a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long-term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis;

(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B)) may be made for purposes of this Act by a governmental entity or affiliate thereof, or by the Federal Agricultural Mortgage Corporation, or any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of such entities;

(II) any loan (including Other Debt as defined in subsection (f)(2)(B)) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(III) for purposes of clause (i)(I)(bb), the term ''net equity'' means the value of the total assets of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved; and

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the ''Amount'' for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas and the number of States (including noncontiguous States); and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a project that is designed primarily to serve 1 or more of the 40 most populated designated market areas (as that term is defined in section 122(j) of title 17, United States Code).

(2) OTHER CONSIDERATIONS.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this Act by a means reasonably compatible with

existing systems or devices predominantly in use.

(f) GUARANTEE LIMITS.—

(1) LIMITATION ON AGGREGATE VALUE OF LOANS.—The aggregate value of all loans for which loan guarantees are issued under this Act (including the unguaranteed portion of loans issued under paragraph (2)(A)) and Other Debt under paragraph (2)(B) may not exceed $1,250,000,000.

(2) GUARANTEE LEVEL.—A loan guarantee issued under this Act—

(A) may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements (the ''applicable portion'') and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion; or

(B) may, as to a loan meeting in its entirety the requirements of subsection (d)(2)(A), cover the amount of such loan only if that loan is for an amount not exceeding 80 percent of the total debt financing for the project, and other debt financing (also meeting in its entirety the requirements of subsection (d)(2)(A)) from the same source for a total amount not less than 20 percent of the total debt financing for the project (''Other Debt'') has been approved.

(g) UNDERWRITING CRITERIA.—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this Act, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) CREDIT RISK PREMIUMS.—

(1) ESTABLISHMENT AND ACCEPTANCE.—The Board may establish and approve the acceptance of credit risk premiums with respect to a loan guarantee under this Act in order to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this Act, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(2) CREDIT RISK PREMIUM AMOUNT.—

(A) IN GENERAL.—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this Act on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) PROPORTIONALITY.—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of loan guarantees under this Act, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account (the ''Escrow Account'') established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this Act and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (h) and (i) of section 5 of this Act, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this Act shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(E) when all loans guaranteed under this Act have been repaid or otherwise satisfied in accordance with this Act and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans guaranteed under this Act were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this Act shall not be subject to judicial review.

SEC. 5. ADMINISTRATION OF LOAN GUARANTEES.

(a) IN GENERAL.—The Administrator of the Rural Utilities Service (in this Act referred to as the ''Administrator'') shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 3 and 4 of this Act.

(b) SECURITY FOR PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

(1) TERMS AND CONDITIONS.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this Act, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this Act;

(C) shall remain sufficiently capitalized; and

(D) shall submit to, and cooperate fully with, any audit of the applicant under section 8(a)(2) of this Act.

(2) COLLATERAL.—

(A) EXISTENCE OF ADEQUATE COLLATERAL.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this Act.

(B) FORM OF COLLATERAL.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) REVIEW OF VALUATION.—The value of collateral securing a loan guaranteed under this Act may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) LIEN ON INTERESTS IN ASSETS.—Upon the Board's approval of a loan guarantee under this Act, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 4(d)(3)(B)(iii) of this Act.

(4) PERFECTED SECURITY INTEREST.—With respect to a loan guaranteed under this Act, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) INSURANCE.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this Act shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee under this Act may assign the loan guaranteed under this Act in whole or in part, subject to such requirements as the Board may prescribe.

(d) MODIFICATION.—The Board may approve the modification of any term or condition of a loan guarantee or a loan guaranteed under this Act, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the modification is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the modification is consistent with the underwriting criteria developed under section 4(g) of this Act;

(4) the modification does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the modification does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the modification.

(e) PERFORMANCE SCHEDULES.—

(1) PERFORMANCE SCHEDULES.—An applicant for a loan guarantee under this Act for a project covered by section 4(e)(1) of this Act shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) PENALTY.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this Act if the applicant fails to meet its stipulated performance schedule under that paragraph.

(f) COMPLIANCE.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this Act is intended, with the provisions of this Act, any regulations under this Act, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(g) COMMERCIAL VALIDITY.—A loan guarantee under this Act shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for

the loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(h) DEFAULTS.—The Board shall prescribe regulations governing defaults on loans guaranteed under this Act, including the administration of the payment of guaranteed amounts upon default.

(i) RECOVERY OF PAYMENTS.—

(1) IN GENERAL.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this Act the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) DISPOSITION OF PROPERTY.—

(A) SALE OR DISPOSAL.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this Act in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) MAINTENANCE.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(j) ACTION AGAINST OBLIGOR.—

(1) AUTHORITY TO BRING CIVIL ACTION.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this Act. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) FULLY SATISFYING OBLIGATIONS OWED THE UNITED STATES.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this Act, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(k) BREACH OF CONDITIONS.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this Act, the regulations under this Act, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.

(l) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this Act before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(m) FEES.—

(1) APPLICATION FEE.—The Board shall charge and collect from an applicant for a loan guarantee under this Act a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this Act. The amount of the fee shall be reasonable.

(2) LOAN GUARANTEE ORIGINATION FEE.—The Board shall charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this Act.

(3) USE OF FEES COLLECTED.—Any fee collected under this subsection shall be used to offset administrative costs under this Act, including costs of the Board and of the Administrator.

(n) REQUIREMENTS RELATING TO AFFILIATES.—

(1) INDEMNIFICATION.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this Act for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this Act, and the regulations prescribed under this Act, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (e); and

(E) any other circumstances that the Board considers appropriate.

(2) LIMITATION ON TRANSFER OF LOAN PROCEEDS.—An applicant for a loan guarantee under this Act may not transfer any part of the proceeds of the loan to an affiliate.

(o) EFFECT OF BANKRUPTCY.—(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this Act and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this Act.

SEC. 6. PROHIBITION ON USE OF FUNDS FOR SPECTRUM AUCTIONS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for the acquisition of licenses for the use of spectrum in any competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 7. PROHIBITION ON USE OF FUNDS BY INCUMBENT CABLE OPERATORS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for—

(1) the extension of any cable system to any area or areas for which the cable operator of such cable system has a cable franchise, if such franchise obligates the operator to extend such system to such area or areas; or

(2) the upgrading or enhancement of the services provided over any cable system, unless such upgrading or enhancement is principally undertaken to extend services to areas outside of the previously existing franchise area of the cable operator.

SEC. 8. ANNUAL AUDIT.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct on an annual basis an audit of—

(1) the administration of the provisions of this Act; and

(2) the financial position of each applicant who receives a loan guarantee under this Act, including the nature, amount, and purpose of investments made by the applicant.

(b) REPORT.—The Comptroller General shall submit to the Congress a report on each audit conducted under subsection (a).

SEC. 9. EXEMPTION FROM MUST CARRY REQUIREMENTS.

A facility of a satellite carrier, cable system, or other multichannel video programming distributor that is financed with a loan guaranteed under this Act and that delivers local broadcast signals in a television market pursuant to the provisions of section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338, 534, or 535) shall not be required to carry in such market a greater number of local broadcast signals than the number of such signals that is carried by the cable system serving the largest number of subscribers in such market.

SEC. 10. ADDITIONAL AVAILABILITY OF BROADCAST SIGNALS IN RURAL AREAS.

(a) OPENING OF FILING FOR ADDITIONAL TRANSLATOR AND LOW-POWER STATIONS.—The Federal Communications Commission shall, in accordance with its regulations, open a filing period window for the acceptance of applications for television translator stations and low-power television stations in rural areas.

(b) DEADLINES FOR NOTICE.—The Commission shall announce the filing period window no less than 90 days prior to the commencement of the window.

SEC. 11. IMPROVED CELLULAR SERVICE IN RURAL AREAS.

(a) REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.—

(1) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in paragraph (3), the Commission shall—

(A) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(B) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(2) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to paragraph (1)(B), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(3) PROCEEDING.—The proceeding described in this paragraph is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P, Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

(b) CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.—

(1) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(2) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radiotelephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of subsection (d)(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(3) CALCULATION OF LICENSE FEE.—

(A) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(i) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(ii) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(B) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by subsection (a)(1)(B), the Commission shall notify each applicant of the fee established for the license associated with its application.

(4) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to paragraph (3) for the license granted to the applicant under paragraph (1).

(5) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to subsection (a)(1)(B), the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under paragraph (2) of this subsection, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to subsection (a)(1)(B) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(c) PROHIBITION OF TRANSFER.—During the 5-year period that begins on the date that an applicant is granted any license pursuant to subsection (a), the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to subsection (a) from contracting with other licensees to improve cellular telephone service.

(d) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term ''applicant'' means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term ''covered rural service area licensing proceeding'' means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term ''tentative selectee'' means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

SEC. 12. TECHNICAL AMENDMENT.

Section 339(c) of the Communications Act of 1934 (47 U.S.C. 339(c)) is amended by adding at the end the following new paragraph:

''(5) DEFINITION.—Notwithstanding subsection (d)(4), for purposes of paragraphs (2) and (4) of this subsection, the term 'satellite carrier' includes a distributor (as defined in section 119(d)(1) of title 17, United States Code), but only if the satellite distributor's relationship with the subscriber includes billing, collection, service activation, and service deactivation.''.

SEC. 13. DEFINITIONS.

In this Act:

(1) AFFILIATE.—The term ''affiliate''—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) UNSERVED AREA.—The term ''unserved area'' means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to local television broadcast signals from any commercial, for-profit multichannel video provider.

(3) UNDERSERVED AREA.—The term ''underserved area'' means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (4), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 14. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this Act, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

SEC. 16. SUNSET.

No loan guarantee may be approved under this Act after December 31, 2006.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I do want to commend my colleagues from Virginia for this work. A requirement on local broadcasters to obtain a license is to operate in the public interest. Emergency broadcasts and coverage is an example of their importance.

The great flood of 1993 is an example of local broadcasters covering emergencies, covering the levees, around the clock, notifying the public when levees broke so that lives could be saved.

In this new era of technology, last year we passed the Satellite Home Viewers Act to ensure that local broadcasts occur in local areas through direct satellite. Dropped on the cutting room floor was an assistance needed to assure local into local reaches all Americans. Rural America cannot be left behind. I am proud to be a cosponsor, have worked for its passage on the committee, and speak in support of the passage of this bill.

□ 1715

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time to me, and also I want to recognize the gentleman for the great work that he did to bring this issue to the floor and for his leadership on the issue.

I am an original cosponsor of the Rural Local Broadcast Signal Act. This takes us one step closer to closing the digital divide. Nearly 55,000 households in my home State of South Dakota receive their programming from satellite dishes. Over the last 2 years, I have heard from 1,400 of my fellow South Dakotans on this issue.

At the end of the last session when the loan guarantees were stripped from the Satellite Home Viewers Improvement Act, many people were left without reliable access to quality local television. For many who live in rural areas, satellite service is the only option. Now we have a chance to correct that and provide every rural viewer the opportunity to receive a clear, reliable signal from his or her local station.

Like so many of my colleagues, my State is prone to natural disasters, tornadoes, hailstorms, blizzards, and flash floods. Local broadcasters are civic-minded and provide emergency information for emergency situations. South Dakotans rely on those broadcasters for important weather-related information as well.

Local broadcast signals can save lives. While local television may not save every life, it often provides the very precious few seconds that are necessary to grab our loved ones and take cover. We owe it to rural Americans to make sure that they have the same quality access to telecommunications as those in urban areas.

No one wants to watch a network signal with poor quality. With today's technological innovations, no one should have to. On behalf of the 150 South Dakotans who rely on satellite television, I urge the passage of this important legislation and quick consideration in the conference.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to my friend, the gentleman from Oklahoma (Mr. LARGENT).

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

Mr. Speaker, do not be fooled into thinking that this is not a controversial issue. This is. For those who are listening to the debate that we are having on the floor, it would seem that

this thing is going to just steamroll through, but do not think there is not controversy surrounding this particular issue.

Let me read a couple of headlines about this particular bill that we are working on today. Here is one from the Washington Times, an editorial: ''Rural Rip-off.'' This is the bill we are voting on today, described as a ''rural rip-off'' in the Washington Times.

The Wall Street Journal says, ''Rural Utilities Invest Funds in Markets Instead of Local Projects, Audit Says.'' These are the people who are going to be applying for this $1.25 billion government subsidized loan guarantee.

In an editorial in the USA Today it is referred to as ''The Taxpayer Rip-off in Progress.'' That is the bill we are discussing here this evening.

Let me read just a few of the comments in these articles. First of all, let me say that this is a program designed to give loan guarantees to people who do not need it to fund projects that are not needed.

We have heard a variety of speakers speak on the floor today and talk about, this is to provide local service. Not true. Local into local is the term. That is not true. The definition in the bill says that all these loans are available, as long as they do not have access to local television broadcast signals from not more than one commercial for-profit multi-channel video provider.

So if one already gets local into local through the cable service, these monies are still available to them, so they can have local into local that is providing the local weather, the local crop reports, and so forth, and still be eligible to receive this money.

What this is really about, and Members need to understand this, this is very important, what it really is about is providing government subsidies to create competition with the private sector. That may be an unintended consequence, but that definitely will be a consequence if this bill goes through, which I anticipate it will.

We will be subsidizing businesses with government loan guarantees so they can compete against people in the private sector. That should send a chill throughout Congress and the rest of the United States, that here we have the United States Congress getting ready to vote on a bill that provides $1.25 billion of taxpayer loan guarantees to subsidize business to go out and compete with the private sector.

That is a problem. That is a real problem. All who own small businesses or own big businesses, how would they like the government jumping into their business, subsidizing some competition for them? That is not the intention, I do not believe, the Founders of the Constitution had. I do not think it is necessarily the intent of the authors of this bill, but it will be the unintended consequence of the bill.

I would urge my colleagues to vote no.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I rise in support of this legislation. As an original cosponsor of this bill, I know how important it is that everyone have access to their local TV stations. Locally-broadcast TV is most Americans' primary source of news, weather, and emergency information. But in my district and in rural areas across this country, many people cannot watch their own local stations. The hills and valleys in Santa Barbara and San Luis Obispo Counties preclude thousands of my constituents from receiving local TV over the air.

Some of my constituents do not have affordable access to cable, or they want a different choice. Many of them turn to satellite TV, but they could not get their local stations over the satellite.

So last year we passed legislation allowing so-called local into local broadcasting. But we knew then what we know now, most markets in the country will not be covered. Outside the top 40 media markets, local into local broadcasting is not going to happen because there is not enough money in it.

Citizens in places like the Central Coast of California still will not have access to their local stations through satellite TV, and local broadcasters still will not be able to get their signals to people who need them most, the folks in their own communities.

This is simply unfair to my constituents and to millions of other Americans in rural and underserved areas. The loan program that this bill sets up will help to bridge this gap, so I urge my colleagues to support this critically important bill. Our constituents in rural America deserve access to their local stations.

This bill is fair, this bill is just, it is worthy of our support.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. STENHOLM. Mr. Speaker, I yield 1 additional minute to the gentleman from Wisconsin.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KIND) is recognized for 2 minutes.

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

Mr. KIND. Mr. Speaker, I thank the gentlemen for yielding time to me.

Mr. Speaker, I rise today as a strong supporter of H.R. 3615. I commend my colleagues on the compromise that they reached and worked out in this legislation, especially the two gentlemen from Virginia, the respective chairs and ranking members of the committees.

This legislation is vitally important for my constituents because it is vitally important to rural America. My congressional district is predominantly rural, with a population in the largest city of about 55,000 people.

Western Wisconsin has numerous small towns, villages, and individual farms nestled in the valleys of its rolling hills and bluffs. Due to poor reception with normal antennas, many constituents purchase satellite dishes for television reception. Unfortunately, these local satellite dishes do not provide local television coverage.

Farmers in rural areas rely on their local news to provide weather forecasts, parents rely on local news to alert them to school closings, every constituent relies on local news to warn them of impending weather emergencies. In my district, access to local news through satellite television is not a luxury, it is oftentimes a matter of life and death.

Passage of the Home Satellite Viewers Act last year was a big step towards ensuring local access for my constituents who rely on satellite dishes. Unfortunately, it was incomplete. H.R. 3615 creates an 80 percent loan guaranty program that will help satellite or other technology companies build the infrastructure to guarantee local access to rural areas.

My colleagues in urban communities are already seeing local access because it is cost-effective to provide it in those areas. It is not, however, cost-effective in rural America. That is why this legislation here today is vitally important to the people I represent.

I urge passage of H.R. 3615.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as an original cosponsor of the loan guarantee program, I am particularly pleased with the bill's fiscally responsible plan that will ensure that all consumers, specifically those in medium and small markets, will have access to local broadcast signals. The only cities that will enjoy local network broadcasting over their satellite systems under the current system will be those with millions of television households.

As we all know, the largest TV markets are currently enjoying local into local service over their satellite systems because of the hard work of the Committee on Commerce in passing the Satellite Home Viewers Act. The legislation before us today allows Congress to finish the job by providing that same service to rural Americans.

Wyoming is a perfect example of why we need to pass this legislation. The two largest TV markets in Wyoming are Cheyenne and Casper. They rank number 196 and 199, respectively. Even under the most optimistic local into local plans, Wyoming television viewers would probably never receive local into local service without the loan guarantee provision that is included in this bill.

I can only say that in lieu of mandating that satellite and cable providers serve rural areas, this is our only option. I am committed to moving this piece of legislation so that rural television customers can enjoy the same local television programming as our urban friends.

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I do believe that this bill, in its present form, has yet to reach its pluperfect form of acceptability. However, I think that for the time being, as it moves through this floor consideration, that it perhaps does merit the support of the Members.

However, just so that the Members can understand, this bill does not require some of the largest corporations in America to actually first have gone into the financial marketplace and established that they cannot obtain these loans from a commercial financial institution. Instead, what it does is it assumes that they cannot receive them.

One of the things that we I think should think about before we finally return from a conference with the Senate is whether or not we just might want to ensure that some of these huge corporations, if they can find the financing on their own, should not be able to avail themselves of publicly guaranteed funding, even if it would be at better interest rates than they could get in the free market.

I think that is something that we are going to have to consider, because these are some of the most well known corporations in America that we are putting this bill through to guarantee that they are going to be subsidized. In other words, we are not taking care of small farmers here, we are talking here about large multinationals.

That is something that I think at the end of the day we can find a resolution for; that we do not, in other words, reenact mistakes in the past where we wind up subsidizing those that do not need it and, unfortunately, in other bills that pass through this body, we wind up not giving any kind of help to those that are most in need in our country.

Hopefully, as the process evolves and as we seek to perfect this legislation through the conference committee, we will be able to achieve those ends.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. COX).

Mr. MARKEY. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from California (Mr. COX) is recognized for 4 minutes.

Mr. COX. Mr. Speaker, I thank both of my colleagues for yielding time to me.

Mr. Speaker, I share the goals of the sponsors of this legislation. The fundamental problem is simple: There are, according to the Congressional Budget Office, 3 million people in America who do not get over the air free television and who do not get cable, so they cannot get their local TV, 3 million people.

□ 1730

Now, until 1999, Congress made it illegal for satellite TV providers to put local stations into the homes of those people. We fixed that with SHVA, with the Satellite Home Viewer Act, a short while ago; but there remains a catch. In order to deliver even one local station into a market, the satellite provider has to deliver all of the locally originated stations.

Now naturally, the satellite providers trying to make money are going to start with the big markets like Los Angeles and New York, and in my TV market of southern California, where Los Angeles dominates, there are so many locally originated TV stations, scores of them, that it fills up all the satellite capacity.

What we have essentially said, by way of Federal regulation, is that it is more important for people who live in big TV markets, in big cities, to get all of the locally-originated TV stations, even if they do not have any local content by the way, than it is for people who live in rural America to get just one. We are doing nothing about that unfair mandate in this bill.

Now, I want to draw the attention of my colleagues to the fact that the procedure that we are using to pass this bill today does not permit any amendments. In the Committee on Commerce, where we worked very hard on this issue, I offered an amendment that passed in subcommittee that would have addressed the very reason that rural America is not getting service from satellite TV today. We passed that amendment in subcommittee. We lost it in full committee. I would like to have brought it to the floor and directly address the problem that we are facing in America today, and that is not enough local TV for this group of 3 million people.

But instead of lifting that Federal mandate, which the satellite providers tell us would permit them to get 80 million more people, instead of doing that we are going to create a brand new Federal program. We are going to take one of the oldest, stodgiest, failing bureaucracies that we have in Washington, the former Rural Electrification Administration, which is on a covert mission now that we will not recognize it to change its name to the Rural Utilities Service, and get a new lease on life, we are going to give them a billion dollars to go help these 3 million people. We are going to put them in the business of trying to compete with for-profit satellite TV companies, and one of the two biggest in America still is not making money.

The Congressional Budget Office tells us that the Rural Utilities Service is writing off billions of dollars in their existing loan portfolio left and right, at taxpayer expense, and that about 30 to 40 percent of the loans that are going to get made under this program are likely to be written off. So one can look at the cost of this program right up front is about $400 million.

The Rural Utilities Service, which we are putting in charge of this, does not know anything about which technology, which TV technology, to invest in. They may know something about agriculture. They are part of the Department of Agriculture. But they certainly do not know anything about which technology to bet on.

The loans that we are going to be providing have a term of 25 years. Does anybody in this Chamber understand what the digital information marketplace is going to look like 25 years from now? Would someone want to make a competitive bet to go into this market in competition with the Federal Government, with the Department of Agriculture, on their side? That is what we are doing in this legislation.

It is an extremely unlikely assumption that the Federal Government is going to make money in the satellite TV business, but one thing we know for sure nobody who lives in a rural area is going to get anything but pay TV under this proposal. Free, over-the-air TV, which the Government usually subsidizes, is not helped by this proposal.

I urge my colleagues to take a hard look at this, to ask why it is that it is being rushed through here without any opportunity to amend it; why we are giving a 70-year-old bureaucracy so much power, and I ask my colleagues to vote it down.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I just want to take a few minutes to thank the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. BOUCHER) and the chairpeople of the respective committees for the great work that they have done. I have heard what the gentleman from California (Mr. COX) has said and the gentleman from Oklahoma about the fact that this might not be the best means by which to give people who have no access to any kind of signal at all the opportunity to find out if they have emergency flooding, whether a tornado is coming, whether like where I live an earthquake is perhaps going to happen. I just cannot tell the folks in my district, which is very, very rural and very remote in some areas, that it is not fair that people who live in big cities can get access to their local news; they can get it, but you cannot have it because nobody wants to come and give it to you.

I do not know how to answer the thousands of questions that I have gotten about this without giving them the opportunity to have their local news provided by satellite, because they do not have any other way to get it, Mr. Speaker. So I would just ask my colleagues who come from more metropolitan areas to try to understand what it is like for those of us who represent people who not only do not have access to satellite and/or cable, certainly cannot get any local news because there are not any local news stations within 200 or 300 miles, but a lot of these people do not even have running water in

their homes. They deserve to have a break and they deserve to be on a level playing field with all of our folks in the cities, and I am just very happy that we are going to pass today, I hope, a bill to give all Americans an equal shake.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members that the gentleman from Virginia (Mr. GOODLATTE) has 2½ minutes remaining, the gentleman from Texas (Mr. STENHOLM) has 6½ minutes remaining, the gentleman from Louisiana (Mr. TAUZIN) has 3 minutes remaining, and the gentleman from Massachusetts (Mr. MARKEY) has 4 minutes remaining.

Mr. STENHOLM. Mr. Speaker, might I inquire what would be the order of closing.

The SPEAKER pro tempore. The order of close would be the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Texas (Mr. STENHOLM), the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I commend the chairmen of a number of committees that have had jurisdiction over this issue. I co-chair with the gentleman from Louisiana (Mr. TAUZIN) a task force on rural technology and have taken a long interest and a strongly held belief that if rural America is going to survive, it is going to be because we have equal access to technology and telecommunications.

One of the issues that has impacted the constituents of Kansas greatly is this issue of whether or not they can receive local programming, local-to-local programming, on their satellite networks. A typical constituent letter: We live in Madison. We are unable to receive network programming, ABC, CBS, NBC or Fox, with a rooftop antenna that would be suitable to watch. For 20 years we have received our programming through a satellite dish. We now get network coverage from cities like Denver, Chicago, Dallas, and New York; but here is the problem: We cannot even qualify to access local broadcasting because we are in a designated marketing area that is too close to have local television.

It matters to Kansans as a matter of public safety. Weather is important to us and agriculture, and I urge the passage of this bill and appreciate the consideration that our committees have given to this topic.

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

Mr. Speaker, this satellite revolution is something that is changing the very face of the video marketplace in the United States. Back in 1992 when we passed the programming access provision, the gentleman from Louisiana (Mr. TAUZIN) and I and others were out here on the floor arguing that if we passed that that we would create a revolution, create an 18-inch dish that one could buy and put out between the petunias and bring down hundreds of television stations; and through the years now we have seen this revolution change how suburban and urban America relate to their cable companies.

This legislation is directed towards the last remaining pocket of resistance, that is, rural America. It is meant to remedy a problem that we think that we dealt with last year when we made it possible for urban and suburban television stations to beam up their local TV stations and then beam them right back down into the same marketplace. That is more difficult in rural America.

It is wise for us to look at this digital divide to make sure that rural America is taken care of. At the same time, it is also important for us to make sure that we do not subsidize that which would ultimately happen anyway in the private marketplace, and that is a very delicate, very thin line for us to be walking. I support this legislation at this time, but I hope as we move it further through the process that we have the willingness to be open-minded in terms of ensuring that we build in the protections, that we do not subsidize those that do not need subsidization, that we do not help those to compete in the private market that could compete in the private market on their own.

That said, it is important for rural America not to be left out. An aye vote on this legislation at this time is, in fact, something that I recommend.

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

Mr. Speaker, the reason why the gentleman from Massachusetts (Mr. MARKEY) and I and so many others came to the floor in 1992 to try to create the capacity of direct broadcast satellite to bring television programming to America was because at the time we had just gotten through deregulating the cable companies. We in Congress had taken away the power of local franchising authorities to regulate the monopoly cable company. We thought it was pretty important if we were going to be responsible for taking away the power of local governments to regulate the monopoly cable company that we ought to make sure consumers in America had a competitive choice. That is what it was all about.

In 1992, we had to fight our way over a presidential veto to accomplish that goal, but we accomplished it. We created the capacity of television satellites to deliver satellite programming in competition with cable, but we left one thing undone, and that was the capacity of those satellites to include the local network programming in the package.

So guess what? Satellites were born; direct broadcast satellite came into being. But it was an imperfect competitor. So last year we tried to perfect that 1992 legislation by giving the satellites the right to carry the local network programming in the package; in short, to give Americans a real choice.

Why? Because we had taken away the authority to regulate the monopoly. Well, guess what? In March of last year, all the authority to regulate from Washington monopoly cable ended. We allowed that to happen, but across America, outside of the 70 major markets that will be served by this new legislation last year, Americans will either have no multichannel delivery or will be afflicted with a single channel delivery system that is now unregulated.

We created, through this process of legislation, the possibility that many Americans will have only one choice for television programming. Today we cure that. Today we make sure that here in Washington we provide the loan guarantees, not the loans. We are not giving anybody a billion dollars. We are providing government-backed guarantees to make sure that the rest of America, in addition to the 70 major markets, the rest of America will have more than one choice.

Now that is the way we ought to behave. If we are going to take away power to regulate monopolies, we ought to always ensure that consumers have real choice because then consumers can regulate the companies by choosing which they want to reward with their money and which they want to punish by taking their business away.

With two providers in the marketplace, Americans will finally be protected. They will have choice and with choice will come fair prices. With choice will come fair packaging of products. With choice will come consumer regulation of the marketplace. I hope we pass this good bill.

Mr. STENHOLM. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman is recognized for 6½ minutes.

Mr. STENHOLM. Mr. Speaker, I rise again in support of the bill and associate myself with the remarks of the gentleman from Louisiana (Mr. TAUZIN) regarding the intent and want to use this time to perhaps clarify a few points that have been made, I believe, erroneously through no intent.

□ 1745

There has been a lot of quoting of newspaper articles and various interpretations of an OIG report that wrongfully implied that electric cooperatives were holding $11 billion in a portfolio consisting of financial instruments which was interpreted to mean stocks, bonds, and mutual funds.

There has also been an implying that the rural utility service has not been a good steward of taxpayer dollars. If my colleagues will check the record, they will find that the telecommunications program or the rural utility service has never incurred a default regarding loss of taxpayer funding. The electric distribution and water programs have incurred write-offs of less than 1 percent over their entire history of operation.

Let me just quickly talk about this $11 billion in cash or assets that supposedly could be redirected and financed, in this case, telecommunications. $2.5 billion of that is patronage capital. That is monies owned by the members of the cooperatives that are invested in the distribution and transmission lines that provide electricity and telephone service.

$795 million are capital term certificates which form a pool of funds for long-term loans for cooperative lending. $2.3 billion is in accounts receivable which are bills issued by cooperatives that are not yet paid by customers. $2 billion of this $11 billion is in operating capital. It is deemed a minimum prudent reserve level by utility accounting standards held by the distribution utilities. $2.8 billion of this $11 billion alleged dollars is in operating capital that is deemed a prudent reserve held by the power supply cooperatives.

These are just some of the investments that rural electrics and rural telephone cooperatives have today. What are they doing with it? Nine hundred and thirty electric cooperatives have invested $75 billion for 32,254 megawatts of generating capacity and 2,281,351 miles of line, which accounts for approximately half of the distribution lines in the United States.

I think it is grossly unfair of those who have been misinterpreting an OIG report for purposes of this particular bill. This bill is good in its intent. The rural utility service will continue to prudently manage taxpayer dollars, and the rural communities will be benefited, as has already been stated by this legislation.

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

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, in addition to all of those I thanked earlier, and there are just too many to recite everyone, I want to also recognize the gentlewoman from North Carolina (Mrs. CLAYTON), the ranking member of my subcommittee; as well as the gentleman from Massachusetts (Mr. MARKEY); and the gentleman from Michigan (Mr. DINGELL), from the Committee on Commerce, for their assistance in helping get this legislation to this point.

But what I really want to do is thank the American people, because they are the ones who have driven this legislation more than anyone else. Many Members of Congress have received more mail, more phone calls, more e-mails on this issue than any other legislative issue in the time that they have served in Congress.

The reason is very simple. Look at the map. The red and yellow dots, they are going to get taken care of. The rest of the United States is not. Tulsa, Oklahoma is not going to get a local into local service without this legislation; Lexington, Kentucky; Roanoke and Lynchburg, Virginia, my communities in my district; Austin, Texas; Richmond, Virginia; Knoxville, Tennessee; Honolulu, Hawaii; Des Moines, Iowa; Green Bay, Wisconsin; Omaha, Nebraska; Spokane; Shreveport, Louisiana; New Orleans, Louisiana; Rochester; Tucson; Springfield, Missouri; Springfield, Massachusetts. The list goes on and on.

More than 160 television markets, more than 30 million households, nearly 75 million Americans, more than 1,000 television stations in those markets will not be served without the passage of this legislation. I urge my colleagues to join me in passing this bill.

Mr. BEREUTER. Mr. Speaker, this Member rises today in strong support of H.R. 3615, the Rural Local Broadcast Signal Act. This Member is pleased to be a co-sponsor of this important legislation, which will ensure improved access to local television signals in unserved or under-served rural areas.

Many rural families either cannot receive their local broadcast signals over the air, or are not offered cable service. It is important that we address this problem. Particularly in rural areas, local television broadcasts may be one of the few sources of emergency warnings and local news. In addition, local television provides weather, sports and special interest programming. Rural Americans, like their urban counterparts, need access to this important information.

Last year, the House passed the Satellite Home Viewer Improvement Act, which was ultimately signed into law. Satellite companies are now allowed to offer local network television signals to their subscribers. As a result of this bill, it is estimated that 70 percent of American households will eventually receive local broadcast signals. The remaining 30 percent of households, however, are found in sparsely populated areas, which will likely not be served under existing conditions. This legislation will ensure that these unserved or under-served areas are able to receive access to local television signals.

This bill authorizes the Rural Utilities Service (RUS) to provide loan guarantees to organizations for building or improving satellite, cable television and multi-channel video distribution infrastructure in under-served areas. The RUS will guarantee up to $1.25 billion in loans to multi-channel video service providers, including direct broadcast satellite licensees. Under the RUS, up to 80 percent of a private loan may be guaranteed and loans will be payable in full within 25 years or the useful life of the assets purchased. This bill also provides standards to ensure that the loans will be promptly repaid and that the borrower has adequate collateral and insurance to protect the interests of the Federal government. Projects providing service to the most underserved market areas will be given priority for these loans.

In closing, this Member encourages his colleagues to support H.R. 3615. This bill ensures that all Americans, including those in rural areas, receive reliable access to their local broadcast stations.

Mr. LAFALCE. Mr. Speaker, today the House takes up a bill that, once again, handpicks a specific industry in our economy, the satellite television industry, to receive government assistance in the form of loan guarantees. While the bill before us today represents an improvement over the bill included in last year's Satellite Home Viewer Improvement Act conference report, and largely reflects the bill reported out by the Senate Banking Committee, and enacted by the full Senate unanimously, I rise today to express strong concerns with the process by which H.R. 3615 was brought to the House floor.

Last summer, I rose before this chamber, and was joined by the Chairman of the Banking Committee, to oppose another government give-away in the form of loan guarantees to the steel, oil, and gas industries. I opposed that bill then because of its substantive flaws, and because taxpayers were being placed at undue financial risk. I also opposed the steel, oil, and gas loan guarantee program because this House, in an open circumvention of its standing rules, brought the bill to the floor without having first given the committees of jurisdiction the right to review the legislation and to deliberate it on its merits. The advantage of having committees of Congress examine legislation with vast implications for our economy, the Federal government, and taxpayers is that it prevents us from enacting bad laws that help an industry in the short-term (sometimes unwisely) but ultimately harm the taxpayers in the long-run, who end up having to bear the costs of defaulted loans and unsound ventures.

Mr. Speaker, we cannot, and must not, allow this House to flagrantly circumvent its own rules at the expense of the taxpayers.

Rule X, Clause 1(d)(5) of the Rules of the House of Representatives stipulates that all bills, resolutions, and other matters related to ''Financial aid to commerce and industry (other than transportation)'' are under the jurisdiction of the Committee on Banking and Financial Services. On November 18, 1999, the Majority Leader of this House assured the gentleman from Virginia, Mr. BOUCHER, the chief Democratic sponsor of this measure, on the House floor that ''It is my hope that the relevant committees of jurisdiction will engage in a full debate and discussion of the merits of this loan guarantee package and move appropriate legislation forward expeditiously.'' I regret to mention that H.R. 3615, which provides financial aid in the form of loan guarantees to satellite companies, was not referred to a very relevant committee of jurisdiction, the Banking Committee.

When H.R. 3615 was introduced on February 10th, 2000, its proponent argued successfully that the loan guarantee program being proposed fell strictly within the Rural Utilities Service of the U.S. Department of Agriculture and that, therefore, the bill should not be referred to the Banking Committee. While this is a technical and spurious argument, the bottom line is that the Congress is acting on legislation to provide financial aid to the satellite TV industry and the bill should have therefore been referred to the Committee with clear jurisdiction over these matters—the Banking Committee. I should remind my colleagues that it was the Banking Committee that historically has enacted successful, and strong loan guarantee programs that have been profitable to the U.S. government—such as those for the Chrysler Corporation, the City of New York, and the Lockheed Corporation.

Moreover, I should note that the Commerce Committee, unlike the Agriculture Committee, added a Board to the legislation in an effort to ensure the program's accountability to the taxpayers. That Board includes the Secretary of

the Treasury as a member. For those who mistakenly questioned the need to refer this bill to the Banking Committee because it was narrowly tailored for the USDA's Rural Utilities Service, the inclusion of the Secretary of the Treasury on the Board is reason enough for referral to the Banking Committee.

Mr. Speaker, the other chamber reported out a bill that was conceived in their Banking Committee. But in a truly ironic twist, and despite action by the House Agriculture and Commerce Committees on this bill, the bill we are considering today, with certain modifications made by the Commerce Committee on telecommunications matters strictly within their jurisdiction, is by-and-large the same product approved by the other chamber. While I am encouraged by this development, only because the substance of the Senate bill is an improvement over the originally introduced version of H.R. 3615, this House would have been better served by the advice, expertise, and input of its own Banking Committee.

Mr. Speaker, none of us disagree with the intent of this legislation—to make local TV signals available to rural areas via satellite. In principle, I strongly support the notion of bringing rural households the same information and access to telecommunications that urban residents currently enjoy. However, the Office of Management and Budget, which sets out requirements for Federal credit programs, continues to have specific concerns with certain provisions of both H.R. 3615 and S. 2097. Mr. Speaker, in order to protect the best interests of the taxpayers, and to provide important and meaningful input in the remainder of the process, I strongly urge inclusion of Members of the House Banking Committee on the conference committee so that our remaining concerns can be addressed.

Mr. MARKEY. Mr. Speaker, I rise in support of the bill. Mr. Speaker, the bill before us is an amalgamation of several provisions from the introduced bill, the bill reported by the Agriculture Committee and that of the Commerce Committee.

The bill includes a number of provisions that make eminent sense, such as prohibiting use of loans for operating, advertising or promotional expenses. Loans cannot be utilized to go bid at FCC auctions. Incumbent cable operators cannot obtain loans within their existing franchise areas. The bill also stipulates that the government guarantee may not exceed 80 percent of the loan amount. The bill on the floor today also does not contain language that would have disrupted plans for a promising new wireless technology pioneered by Northpoint technology. I think this deletion is a wise decision, reflects the desire of Congress that the FCC proceed consistent with provisions of last Fall's Satellite Home Viewer Act, and reflects as well the desire of Congress to promote ever more competition in our telecommunications marketplace provided that no harmful interference is caused to existing licenses.

Mr. Speaker, I rise in support of the bill despite some lingering concerns about this loan guarantee program. I support competition and increased consumer choice in telecommunications everywhere in America.

The bill before us proposes to establish a loan guarantee program, based upon the historic initiatives to provide rural America with electricity and telephone service, in order to provide subscription local-to-local television service. I continue to have reservations that providing local-to-local service is something that warrants a loan guarantee program of the magnitude proposed in the bill.

I also believe the bill ought to have provisions that require large, financially healthy, profitable companies to go to the commercial capital markets first to try to obtain a loan without a government guarantee before coming hat-in-hand to the government seeking a taxpayer-backed subsidy.

Promoting competition to cable is a laudable goal for telecommunications policy. Subsidizing competition to cable is something else altogether, especially when you consider that we have spent years trying to get subsidies out of our telecommunications markets. My hope would be that in conference with the Senate that we can further fine tune this bill and make it more market-oriented and competition-based.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered on the bill, as amended.

The question is on 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. COX. 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 375, nays 37, not voting 22, as follows:

[Roll No. 128]

YEAS—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
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
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frost
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
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
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—37

Archer
Armey
Capuano
Chabot
Chenoweth-Hage
Coburn
Collins
Cox
DeLay
DeMint
Doolittle
Duncan
Ehlers
Fossella
Frank (MA)

Frelinghuysen	Miller (FL)	Shadegg
Johnson, Sam	Miller, Gary	Shays
Kasich	Paul	Stearns
Kleczka	Rohrabacher	Sununu
LaFalce	Royce	Toomey
Largent	Salmon	Wu
Linder	Sanford	
Manzullo	Sensenbrenner	

NOT VOTING—22

Baker	Gallegly	Quinn
Bliley	Ganske	Ros-Lehtinen
Borski	Houghton	Stark
Callahan	LaTourette	Vento
Clay	McInnis	Wexler
Cook	McIntosh	Young (FL)
Cooksey	Miller, George	
Doyle	Myrick	

□ 1810

Messrs. DELAY, KASICH and ARMEY changed their vote from ''yea'' to ''nay.''

Messrs. DAVIS of Illinois, GUTIERREZ, CROWLEY and HULSHOF 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.

Stated against:

Mr. TANCREDO. Mr. Speaker, please let the RECORD reflect that on rollcall vote 128, it was my intention to vote ''no.'' The vote, ''yes,'' was recorded in error.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3615, the bill just considered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1283

Mr. TALENT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1283.

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

There was no objection.

RADIO BROADCASTING PRESERVATION ACT OF 2000

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3439.

□ 1812

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. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

□ 1815

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

Mr. Chairman, I want to take this moment to inform the House that I intend to make a formal request upon the Department of Justice regarding a potential criminal violation of our statutes to the extent that the FCC, through its director and associate director of their political office, has apparently transmitted faxes to Subcommittee on Telecommunications, Trade and Consumer Protection legislative assistants and legislative directors urging support or opposition to the bill that is before the House today, in direct contravention to 18 U.S.C., section 1913, which provides that no part of the monies appropriated by Congress shall in the absence of express authorization be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence any Member of the United States Congress.

Mr. Speaker, today the House considers H.R. 3439, the Radio Broadcasting Preservation Act. At the outset, let me commend the sponsor of this bill the gentleman from Ohio (Mr. OXLEY) for his work on this legislation. Credit is also due to the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, for their extraordinary work in presenting the bipartisan compromise legislation that is before us today.

This language passed our full Committee on Commerce by voice vote last month.

Mr. Speaker, this bill represents a true compromise. It allows for the FCC to proceed with plans to implement a low-power FM radio service to address the community needs of many localities.

The original legislation introduced in January, which gained the support of over 120 cosponsors, would have prevented the FCC from issuing any of these low-power FM licenses and would have effectively killed the FCC's low-power program altogether.

The language that the House considers today offers the FCC significantly more latitude than the original bill would have.

First and foremost, the bill allows the FCC to immediately begin issuing licenses to low-power FM stations under the current interference standards used today to allocate spectrum on the FM dial. The FCC will thus be able to issue about 70 of these new licenses.

Furthermore, the bill institutes a pilot program to test the possible signal interference in nine geographic areas under the relaxed interference standards that the FCC recommends now.

Finally, and this is an important point, the bill maintains Congressional authority over any future changes made to the interference protections that exist in the FM dial today.

Let me take a minute to expand on this issue. The FCC has proceeded full steam ahead to implement this new service, even after learning about substantial concerns from both Republican and Democratic members of the Committee on Commerce.

We held a hearing to address these technical interference issues back in February. At that time, many members of our committee urged the Commission to proceed slowly with this program in order to carefully study the potential harmful effects on our Nation's airwaves. Without regard to these Congressional concerns, the Commission forged ahead and began implementing the program.

The bill correctly recognizes the need for Congressional oversight when it comes to such important issues as spectrum management. Before the FCC changes existing protections, protections that are as important to radio stations, public and commercial, as they are to radio listeners across America, I think it is imperative that Congress must have the authority to review any FCC changes over existing protections.

I will strongly oppose any amendment offered that would strip the Congress of its rightful oversight authority.

I trust the House will agree with me and recognize the tremendous movement that has been made in this compromise language to give the FCC authority to roll out low-power FM where there will be no interference and yet to do a pilot program before Congress gives it authority to indeed change its interference rules and allow further roll out of the program.

I urge my colleagues to vote in favor of the bill and against any amendments that would weaken it.

I want to point out again, Mr. Chairman, when the FCC uses money appropriated to it to lobby this Congress, my colleagues all ought to pay a lot of attention. It is a criminal violation, I believe, and I will ask the Department of Justice to investigate it. But when they go so far as to break the criminal laws of a country that prohibit this form of lobbying, we ought to really think about giving them authority to move forward before Congress says go forward on this important roll-out program.

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

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) is recognized.

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

Mr. DINGELL. Mr. Chairman, yield myself 3½ minutes.

Mr. Chairman, the bill under consideration today, H.R. 3439, represents an extremely constructive and wise compromise reached in the Committee on Commerce over the future of low-power FM radio service.

I particularly want to commend my colleagues, the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Ohio (Mr. OXLEY), the gentleman from Virginia (Chairman BLILEY), as well as my good friend the gentleman from Louisiana (Mr. TAUZIN) for a reasonable, common sense solution to the problem which existed.

The compromise, which was entirely bipartisan, allows some low-power stations to be licensed under existing interference standards immediately, some 70, and it then requires the FCC to establish a pilot program in a limited number of markets to determine precisely what the effects would be if these interference standards are relaxed in the future.

This is to protect broadcasters. It is to protect licensees. And it is, above all else, to protect the listeners of the FM radio spectrum.

By moving this theoretical question from the laboratory to the real world, all of us will be better able to judge whether or not permanent service, as envisioned by the FCC, should be permitted to move forward.

It should be noted that the FCC has here moved without any consideration of fact and without any careful scientific work. They have no understanding of whether or not or how much interference will be caused by the order which they have brought forward.

Great outrage existed throughout both the listener community and also through the broadcasting community. We are trying to see to it that a diversity of voices and views will be available to the American people, including a new low-power service. This, I believe, is beneficial.

We do not debate the question of whether low-power service would be beneficial to our communities. I happen to believe so. I have not heard any of my colleagues on either side of the aisle to dispute the value of adding more diversity to the airwaves.

Furthermore, I would note that neither the National Association of Broadcasters nor National Public Radio, both of whom are proponents of this legislation, have taken issue with the underlying goal of the FCC's recent order. But I would note that the legislation, as amended, does allow the project envisioned by the FCC to go forward under careful controls and under good understanding of the basic underlying scientific questions which have to be addressed.

The issue under debate here is simply whether the FCC's order would cause an unacceptable level interference and thereby disenfranchise large numbers of existing radio stations and, more importantly, their listeners. Because it is the listeners that we protect.

Put simply, we want to make sure that the FCC has done its homework and that it will do its homework and that no harmful interference will result from these new stations. The result, I think, is one that is in the public interest.

In any event, the bill, as originally introduced by my friend the gentleman from Ohio (Mr. OXLEY), simply would have repealed the FCC's order. That, I believe, was unwise. Many members of the Committee on Commerce, including myself, were not convinced that that was a proper solution. So we have come forward with a compromise which allows the matter to go forward and ensures that the FCC will act wisely and well upon the basis of science and fact.

Again, I want to compliment my colleagues who have made this possible, especially the gentlewoman from New Mexico (Mrs. WILSON).

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

Mr. TAUZIN. Mr. Chairman, I yield 6 minutes to the gentleman from Ohio (Mr. OXLEY), my friend, the principal author of the legislation, the vice chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection.

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

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

Mr. Chairman, before I begin my remarks, I want to join the distinguished gentleman from Louisiana (Mr. TAUZIN), the chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, in expressing my concern also for some of the overt lobbying that is going on from the FCC regarding this issue.

Virtually every Member of Congress has received this information from the FCC, which says, ''10 Reasons to Support Low Power FM Radio Service and to Oppose H.R. 3439, the Radio Broadcasting Preservation Act of 2000.''

This, basically, is lobbying no matter how we paint it and it is clearly, as the gentleman from Louisiana (Mr. TAUZIN) pointed out, against the law. This is something very, very serious when an independent agency can try to influence and ask for opposition to a particular piece of legislation.

But not only did they talk about the 10 reasons to oppose my bill, but then they added a letter from a labor union, the Federation of Labor and Congress of Industrial Organizations Legislative Alert, saying, ''Oppose the Legislation. Oppose the Oxley Bill.''

I do not think I can see any time in the 20 years I have been here a more blatant attempt to lobby this body by a so-called independent agency. It is an absolute outrage. I support the chairman for what he is trying to do in his referral to the Department of Justice.

Mr. Chairman, when we teach our children about good behavior, we teach them not to interfere with what other people are doing. We teach them not to step on other people's toes. And there is a lesson there for us today as we consider the direction of the low-power FM program.

The Chairman of the FCC, Mr. Kennard says he created this new, low-power FM licensing program to add new voices to radio. Well, that is great. And I will enjoy the option of having more choices in radio. And clearly, many of us on the committee supported the advent of low-power television. It has been a huge success.

But we also have to consider what happens to the incumbent stations, those people who have made an investment, many times their life savings, in a small radio station and what happens when those new stations may be developed impinge on their signal.

First, to address the so-called diversity issue, have my colleagues ever heard such a wonderful cacophony of voices that we hear in this democracy? Have we ever had more information, more kinds of media, or more outlets for our views? Anyone who takes an objective look must conclude that our country is rich in information and rich in public debate, as it should be.

So we are looking to add choices, not to subtract them. Remember, we are seeking to add choices in the consumers market without interfering with other existing services.

What our bill sought to do, clearly and concisely as I can say, was to say to the FCC, before they run full speed ahead in granting these licenses, make certain that the interference standards are adhered to, the interference standards of long tradition.

It is clear to me by the order of the FCC that they have ignored these requirements of making certain that we have a solid and significant sound for these people.

The private studies that have raised the questions time and time again have indicated that the growth of these stations in some areas may very well impinge upon viewers' ability to listen to these new voices and to the old voices, as well.

Clearly, there is enough evidence against the FCC's actions to be concerned. And that is why we have asked for this study.

People are attached to their radios. I grew up listening to the Detroit Tigers baseball games, as the gentleman from Massachusetts well knows. I think that every person has a right to listen to that particular broadcast without fear of being overrun by another signal.

Who would be harmed? Let us take a look at who would be harmed.

I was initially contacted before I introduced this bill by several locally-owned radio stations in my district, one in particular, WDOH in Delphos, Ohio, an independent, locally owned station very proud to serve the needs of that community. Yet, these are the kinds of stations that the chairman of the FCC says he wants to encourage and they would be clearly vulnerable to interference.

NPR is concerned about its member station and says that crowding leaves it vulnerable to interference. Kevin Klose said yesterday in a letter to the editor that the reading services for the sight-impaired are threatened.

This, of course, would be the case for thousands and thousands of radio stations across the country. So I think we have to be very careful as to how we proceed and the FCC proceeds.

This bill allows the FCC to proceed with a low-power program. It insists that the Commission reinstitute the third-channel protections that are so important for current broadcasters and listening services and requires the FCC to conduct a pilot study on the impact on the study of radio broadcast and radio listeners.

□ 1830

It directs the FCC to place low-power radio in areas where there is plenty of room on the FM dial. This is solid legislation.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding. I hope we have the time for a colloquy between us. I thank him for his assistance in this matter as I brought it to his attention several months ago. As the gentleman knows, there was a technicality that did not permit this amendment to be considered in this bill. However, I am hoping that the gentleman will agree that this is a matter that can well be addressed in the conference. We are talking Bergen County, New Jersey, which is in a very unusual, if not absolutely unique situation with regard to the availability of FM radio. While there are dozens of FM stations across the Hudson River in New York City, there are no commercial FM stations in Bergen County, which is one of the most densely populated counties in the Nation.

This is a unique situation because the New York stations provide all kinds of information and music and entertainment, but there are no local news and no public service data or emergency information for anything in this densely populated area, Bergen County. A little over 5 years ago, this lack of local radio was partially remedied by the creation of Juke Box Radio. The gentleman knows the details of Juke Box Radio. We do not have time to go into it now, but it is highly regarded in this area and serves definite purposes. Despite that fact of the definite purpose it serves, it is not able under this legislation to operate. I believe Juke Box Radio clearly serves the public interest in the community; and if any way can be found to address this issue in conference, I would appreciate it if the gentleman could pursue it.

I had hoped to offer an extremely limited amendment supporting this arrangement. Unfortunately, the Office of the Parliamentarian determined my amendment to be technically non-germane because Jukebox is a commercial station and the LPFM service is strictly non-commercial. Despite that fact, I believe Jukebox Radio clearly serves the public interest in my community. If a way can be found to address this issue in conference, I would very much like to pursue it.

I would ask the Chairman for his assistance and state that to my knowledge, Jukebox has never been accused of causing interference to any other station and is operating on a frequency where interference should not occur.

Mr. OXLEY. Reclaiming my time, I thank the gentlewoman from New Jersey for pointing this out. The legislation before us deals primarily with safeguarding the existing full-power FM stations against interference from low-power stations.

Let me say to the gentlewoman from New Jersey that we will address that in the conference committee.

I can assure you that nothing in this bill is intended to create a disadvantage for any existing broadcaster or for radio service to any community. I recognize the importance of local radio in providing timely news and information, particularly emergency information and would be happy to work with you as this legislation moves forward.

Mr. Chairman, I ask unanimous consent that the entire colloquy be made a part of the RECORD.

The CHAIRMAN. The gentleman is advised that colloquies must be spoken, not inserted.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, we need to keep this bill in context. The worst part, the most unhealthy part of the 1996 Telecommunications Act was the provision which allowed for the consolidation of the radio industry. Up until 1996, no one could own more than two AM and two FM radio stations in the same city, and no one could own more than 40 radio stations across the whole country. Because of the 1996 Telecommunications Act, this worst provision in it, we now have one group owns 512 stations, another 443 stations, another 248 stations, and another 163 stations. It is harder and harder for minorities to gain access to the airwaves, to own them. It is harder and harder for women. It is harder and harder for smaller voices to independently speak on the airwaves of our country.

What the chairman of the FCC, what the commission was trying to do was to make it possible for 100-watt stations to be licensed, not the 50,000-watt stations that we are all familiar with in our hometowns. 100-watt stations. This is the kid across the street with an antenna. This is not rocket science. This is just radio. It has been around for 80 years and the Federal Communications Commission has been doing a good job in sorting out these issues, these interference issues. The FCC's job is to supplement, not supplant competition. That is what they are trying to do here, supplement it.

What are we talking about? Is your car radio going to be affected by this? No. Is your stereo going to be affected by this? No. Maybe the radio in the shower will have a little bit more interference, but we have the FCC to work it out. They have been doing it for 80 years. By the way, since the 1960s, 300 radio stations around the country have operated within the third adjacent channel proposed for low-power FM. By the way, those were full-power radio stations inside the third adjacent channel. Since the late 1960s, the FCC has worked it out. This is not a good bill. I urge my colleagues to oppose it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I want to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. OXLEY), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Virginia (Mr. BLILEY) for working together on a compromise substitute that we have worked on in committee to allow low-power radio to go forward.

Our first obligation here is to protect the radio listeners. That is listeners with all kinds of radios whether they are in their shower or they are listening as I do on an old radio that I had when I was a kid that still has one of those really teeny-tiny switches on it to tune into my favorite station. We should not all have to have stereos and new cars to be able to hear the stations that we want to hear. We had hearings in the Committee on Commerce where the engineers did not agree on whether putting stations closer together would cause static and cross-talk and hums and things that would be really annoying to everyday people. But we do want to hear more voices on the radio.

The idea of low-power radio is really kind of a neat idea that could open up radio to a lot more voices. So we have worked what I think is a good compromise in the committee. It is a little delicate, but I do not think it needs another amendment. It says, let us go forward with low-power radio with the existing interference standards; let us set aside nine cities where we are going to test it to see if we can have these stations closer together and not have interference, we are not going to let pirates have licenses, and we are going to have the FCC in this independent review come back and tell us how it went in those nine stations, find out how it goes and see if it is okay, and then

maybe we will be able to open up more low-power stations.

I think this is a pretty good compromise. The FCC was moving too quickly and I believe compromising the quality of the radio reception that we get in our communities. We found an acceptable balance. I thank the chairman and the ranking member and my other colleagues for working together towards this solution.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to urge support for this bill. I signed on as an original cosponsor not because I wanted to curb diversity or local interest but rather because I wanted to protect them. My home State of New Jersey is completely dominated by New York radio to the north or Philadelphia radio to the south and in between are the small local radio stations which strive to remain distinctly New Jersey in focus and content.

Obviously, this makes for a fairly crowded radio dial already. Unilaterally adding more stations in my opinion is not the solution. In fact, in my State, low-power FM may even cramp local New Jersey stations and disrupt consumers by interfering with local broadcasts or by duplicating local services and formats. Even National Public Radio has concerns that the low-power FM program will hamper its broadcasts. Accordingly, NPR supports the bill.

Mr. Chairman, I have no quarrel with the goals of the low-power FM program. However, its application needs to be examined and evaluated by the Congress. The compromise we fashioned in the Committee on Commerce allows the FCC to move forward with the low-power FM as long as it protects existing third-channel interference protections. The compromise then allows for an independent party to determine once and for all how these pilot programs will affect current radio listeners, small market broadcasters and blind radio reading services. The FCC will then report back to Congress in 2001. I think this compromise is a good one. It passed the Committee on Commerce by a voice vote and in my view is the most responsible way to proceed with the low-power program. I would urge my colleagues not to support any amendments.

I want to compliment the hard work of the gentleman from Michigan (Mr. DINGELL), our ranking member, in forging the compromise and the gentleman from Ohio (Mr. OXLEY) and again urge support of the bill.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me this time and thank the gentleman for bringing this bill to the floor. This is important legislation that has real potential impact on many small businesses in America as well as many listeners to radio stations throughout the country.

In January of this year, the five-member FCC issued rules creating a new low-power radio service. That is what we are talking about today. But two of those five members did not think this was a good idea. One dissented completely, one dissented in part, understanding as many Members of this body do that what this legislation really does is move the FCC into an area that is not yet ready. It moves many owners of radio stations, some part of large radio chains, some part of a station that a family has founded that they run, that they have done their best to build over the years, they have created identity with their signal, into an area that no one quite knows whether their station continues to work the way it has in the past or not, creating holes in the radio signal area, where if you are driving across the country and you are listening to a station and you suddenly come into one of these new low-power areas and you assume the station you were listening to is gone, not knowing that a few miles down the road it would be right back, is a very harmful thing to businesses that have been built on a guarantee from the Federal Government and the FCC that they would have a position on the dial, that they would have a position on the band and on the spectrum that worked for them, that was theirs, that they could really gain listener respect, listener loyalty and a place that they knew they could be found.

Inexpensive and older radios are particularly vulnerable to interference, meaning the proposal could have the effect of denying low-income and elderly listeners clear reception of their favorite stations. This is important legislation. I am glad it is on the floor. We need to pass it today.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the ranking member, the gentleman from Michigan (Mr. DINGELL), for yielding me this time and for his hard work on trying to make this a fair bill. I still, however, must rise in opposition to H.R. 3439. The title itself is deceptive. The act seeks to preserve the status quo and to prevent others from having access to the airwaves.

It is a fact that the four top radio groups own the majority of the Nation's radio stations and according to the Congressional Research Service between 1995 and 1998, the number of radio station owners decreased 18.8 percent. With the number of radio station owners decreasing and the consolidation of radio ownership growing, LPFM allows underrepresented groups and communities an opportunity to enter into the radio broadcast area. I support this new initiative because it will open doors of opportunity for our Nation. It adds to radio diversity and encourages alternatives to current commercial formats that dominate the radio.

I have heard others say that we need to protect radio listeners, but we must also protect those who do not have stations to listen to. I am confident if LPFM were put in place that many would listen to the radio, if they had something to listen to. I contemplate in my own jurisdiction many of the wonderful stations that are on my son likes, the kids older than him like; but there are seniors and people who attend churches throughout my community who do not like any of it, and they should have an opportunity to be heard on radio as well.

Who are we to delay or deny opportunity to community-based groups who have more than earned the right to take advantage of the technology? I have met with the members of the industry, and I understand their concerns; but here in the land of the free and the home of the brave, everyone should be able to reach the table, and they can do it by low-power radio.

Now, low-power FM radio has the support of the Leadership Conference on Civil Rights, the AFL-CIO, the Communication Workers of America, the United States Catholic Conference, and the United Church of Christ Office of Communications.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding me this time and the gentleman from Ohio (Mr. OXLEY) for his efforts as well as members of the minority.

There are two important aspects as I see it to this bill. One is that it will allow low-power radio to proceed. It will protect listeners, and it will prevent interference, which is something I think the American people are accustomed to and frankly want. That has been expressed through the Members of Congress in the last couple of years. Why we are here today in a somewhat expedited way is because the FCC overruled the will of the people. They overruled the will of Congress, which leads to a second and probably more disturbing portion of this debate and that is what the gentleman from Louisiana and the gentleman from Ohio alluded to at the very beginning. The FCC, for a lot of Americans who do not know, is a regulatory body and many businesses have to go before this regulatory body for satisfaction, for answers to really carry out their business plan, to bring products to the American people.

□ 1845

What we see too often, especially lately, is that good honest business people have to go on bended knee before the regulators, and if they do not

get their way, the regulators, they take it out on those good honest American business people. We talk about the land of the free and the home of the brave, that is not the American way.

The American people deserve honesty from people holding public office. They deserve to be treated fairly and openly, and not to be subject to idle or explicit threats.

With that, I urge the adoption of this bill.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Radio Broadcasting Preservation Act. The bill would postpone the FCC's efforts to open our airways to small local community groups, churches, schools, volunteer fire departments, civic organizations. It would deny these groups the right to provide their communities with information of unique local concern. It would smother movements towards diversity on our airwaves.

These are stations that would broadcast local ball games, municipal meetings, or anything else they think would be good for their communities and their communities wanted to hear.

Low-cost, small-scale FM stations would play a vital role in the Hispanic community in my district by expanding the opportunities for local Spanish language radio service. Such stations would help to strengthen this community, unite it behind common goals.

I have worked with the FCC on this issue for over 2 years. Exhaustive engineering studies have been completed. The experience of actual low-power radio stations has been reviewed. The results are conclusive. These new stations will not interfere with the existing large radio companies that currently dominate our airways. This bill discourages expanding our educational and culture horizons. I urge Members to oppose it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the very distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I would like to commend the gentleman from Ohio (Mr. OXLEY) for introducing and pushing this legislation and the gentleman from Louisiana for his leadership in bringing it to the floor today.

In January, the five member Federal Communications Commission issued rules creating this new low-power FM radio service with two members dissenting, two of the five, in whole or in part dissenting. In his comments, Commissioner Powell focused on the economic repercussions of low-power FM and the possibility that many independent and minority owned full-power stations could be forced out of business. Commissioner Furchtgott-Roth's dissent focused on interference and the Commission's uncharacteristic alacrity in considering low-power FM.

This matter has not been properly reviewed by the FCC, and this legislation is vitally needed to stop this action from taking place.

Existing broadcasters oppose the FCC's decision, with good reason. In establishing low-power FM, the FCC significantly relaxed its interference standards, meaning increased interference with existing radio services and a devaluation of the investments of current license holders.

There is no question that eliminating the third adjacent channel safeguard, as the Commission is doing, will lead to increased interference. While the FCC claims that the weakened standards will not result in unacceptable, watch that word, levels of interference, this assertion is challenged by private sector studies.

While the desire to provide a forum for community groups is laudable, a multitude of alternatives exist. Groups may obtain non-commercial licenses, use public access cable, purchase broadcast air time, publish newsletters and utilize Internet web sites and e-mails, among many other options.

This is a country in which there are many ways to express yourself, but we should not do it at the expense of those who have already made investments and are already providing valuable services to citizens in this country.

I urge the Members to support this legislation.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

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

Mr. Chairman, I want to address this colloquy, if you will, to the gentleman from Ohio (Mr. OXLEY) and thank him for agreeing to participate.

As the distinguished chairman of the Subcommittee on Finance and Hazardous Materials knows, I am extremely disappointed that the Federal Communications Commission's recent approval of non-commercial low-power LPFM radio stations did not address existing commercial low-power FM translators operating in counties where there are no allocated commercial FM stations and no commercial FM stations can be allocated.

Although the residents of northern New Jersey can choose from dozens of New York City FM stations, those stations ignore Bergen County, New Jersey's need for local news, traffic reports, school closings, public service announcements and other important local information.

Even though Bergen County, New Jersey, gave birth to FM radio in the 1930's, Bergen County has no commercial FM station of its own and none can be allocated to Bergen County under present Commission rules.

Commercial FM translator W276AQ in Fort Lee, New Jersey, in my district, Jukebox Radio, brings valuable local news, traffic, weather, public service announcements, school closings, and other important information unavailable from any other source on the FM broadcast band. It is translated into a Class A FM signal 75 miles away from Bergen County. Bergen County residents should not be forced to depend on FM service in this manner.

I would say to the gentleman from Ohio (Chairman OXLEY), I believe that existing commercial low-power FM translators licensed in counties with a population of 800,000 or more, and where there is no licensed or commercial FM station, such as that in Bergen County, New Jersey, should have the opportunity to immediately begin broadcasting with local origination.

Although we were not able to resolve this issue in this bill, I urge the gentleman to raise this issue in conference and include language to this effect when the House and Senate conferees meet. With that hope, I am going to support the bill, and thank the distinguished gentleman.

Mr. OXLEY. Mr. Chairman, if the gentleman will yield, I will be pleased to work with the gentleman in the conference on that very issue.

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

Mr. ROTHMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I want to observe to the gentleman I think his complaint is a very legitimate one and thank him for raising it, and indicate that I know that the distinguished chairman of the subcommittee and my good friend the gentleman from Ohio (Mr. OXLEY) also and I will be trying to look after his concerns on this business of New Jersey having better and more adequate service, not only in the area of FM and AM, but also on broadcast television, which is very much in short supply from stations indigenous to that State.

Mr. ROTHMAN. Mr. Chairman, reclaiming my time, I thank the distinguished gentleman.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to my good friend, the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to rise in support of H.R. 3439. I want to compliment the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. OXLEY), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Virginia (Mr. BLILEY) for their help in moving this bipartisan effort forward.

Mr. Chairman, there is an impression in some quarters that this legislation will stop low-power FM licensing or prevent it from ever getting to the air. Nothing could be further from the truth. The simple fact is that the radio spectrum is finite in size. Within this limited universe, commercial radio signals must be separated by at least three adjacent channels in order to prevent interference and crosstalk.

Obviously, two stations serving the same market cannot be licensed to occupy the same frequency. Radio bandwidths can only be sliced up so

many ways. We rely on the FCC to ensure that the radio pie is fairly divided. The FCC ensures that every radio station gets a slice of the pie with enough calories to sustain its signal. This is the only way to make sure that we, the listeners, can receive our favorite programs without hinderance or hurdle.

I take no issue with the FCC's goal of trying to add a new class of lower stations. Indeed, say adding more voices to the airwaves is a commendable goal. But, Mr. Chairman, not all radios are created equal. They are not endowed by their manufacturer with inalienable rights. A simple clock radio or a Walkman will not contain the same sophistication and filtering technology to combat interference between stations as would a hi-fi nor should they.

This bipartisan substitute reported out of the Committee on Commerce strikes a reasonable compromise. If we are going to have low-power FM service, it needs to be done right. We want to give these micro-radio stations an opportunity, but we have an obligation to maintain the integrity of the existing spectrum. New Yorkers want to continue to listen without interference to stations such as Z–100, WBLI, and public radio, such as 91.1 FM.

If the FCC is right and low-power FM does not cause interference on third adjacent channels, then they can proceed with this new service on a national scale. I am confident that should the test demonstrate listeners have nothing to fear from relaxing the interference standards, this body will look favorably to giving the green light for an expanded low-power FM service.

I want to urge my colleagues to support this bipartisan bill, and oppose the amendments that seek to undermine the consensus that has been reached.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. BARRETT)

Mr. BARRETT of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have an amendment that I will be offering in several minutes with the gentleman from Illinois (Mr. RUSH), but I just want to address some of the concerns that I heard raised here tonight.

The first one is several of the speakers talked about people driving their cars and how this would affect their driving. They would go into a neighborhood, they would lose a station, it would come out. Even the radio owners that I have talked to in my district have acknowledged that radios in cars are very, very precise and that that is not going to be a problem.

The gentleman from Massachusetts (Mr. MARKEY) before referred to the radio in the shower. Yes, if it is a very old radio, you might have a problem. But most of the radios in this country are going to be radios in cars. That is not where the problem lies.

We have also heard a lot of FCC bashing, and I think that the FCC has responded to a lot of the concerns that have been raised here. This proposal that they have attempted to move forward on is a scaled-back version of their initial proposal. I think even the proponents of this bill would acknowledge that we are talking about very low-watt radio stations, 100-watt stations, and in some situations, maybe even 10-watt stations. We are not talking 50,000-megawatt stations. We are talking small, neighborhood, churches, minority, college stations. These do not present a serious threat to the large stations.

I will address this in my amendment, but I am sensitive to the technical issues that have been raised regarding this, and I think that the amendment that the gentleman from Illinois (Mr. RUSH) and I will propose in several minutes addresses that, but does not strip the authority of the FCC. We are talking about micro-stations here. I do not think Congress should be micromanaging these micro-stations.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the ranking member for yielding me this time.

Mr. Chairman, I want to say that, first of all, that I have heard a lot of comments regarding the FCC and actions of the FCC, and I want to go on the record to inform everyone that I believe that the FCC has done a great service to the American people. I am an unmitigated supporter of the FCC, and I think that the FCC has done an outstanding job in terms of trying to ensure that all Americans have access to the airwaves of this Nation.

□ 1900

Regarding the low power FM stations, Mr. Chairman, I just want to ensure that people understand that the American people and the Members of this Congress understand that the LPFM is a new noncommercial community-based radio service that will benefit local communities all across this Nation.

It gives media access and broadcast voices to local churches, to schools, colleges, State and local governmental agencies, musicians, and nonprofit community organizations, those same organizations that have been excluded heretofore regarding having access to the air waves.

LPFM adds to radio diversity and encourages alternatives to the commercial formats that currently dominate our radio.

Mr. Chairman, as has been stated earlier, it is a fact that the top four radio groups own the majority of this Nation's radio stations, and according to the Congressional Research Service, between 1995 and 1998 the number of radio station owners decreased by 18.8 percent.

Mr. Chairman, with the number of radio station owners decreasing and the consolidation of radio ownership growing, LPFM allows underrepresented groups and communities the opportunity to enter the radio broadcast market.

Mr. Chairman, just 2 weeks ago Chairman Kennard visited my district, the Chairman of the FCC. We went to a high school, the Dunbar High School located in my district on the South Side of the city of Chicago. I just wish that Members of this body could have observed students who had never had the opportunity to participate in broadcast fields, the broadcast profession, who never had an opportunity to run a radio station nor a television station.

These students were aggressively engaged in learning all that they could. What they asked us at that time, at that visit, they asked this body to give them an opportunity to really run a radio station, 100 watts, that would have a radius of 2 miles within that high school. That is all they are asking for, so they in fact can learn more about the broadcasting industry.

Mr. Chairman, this bill I think does not address that concern, and the gentleman from Wisconsin (Mr. BARRETT) and I will introduce an amendment to this bill in order to try to allow opportunities for unrepresented groups and citizens to engage in this process.

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

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

Mr. Chairman, Members of the committee, let me place this in perspective. The bill we are discussing today does not stop the FCC from moving forward with this low power program. It simply says the FCC must only move forward with the 70 licenses that will clearly not interfere with current radio broadcast.

It says, in those cases where the licenses may in fact interfere with current radio broadcasting, they have to do a pilot in nine different geographic regions of the country and then report to Congress about the results.

What we are going to hear in just a minute is an amendment that would say, when that report comes to Congress, whether or not the report indicates interference, the FCC can then proceed to issue as many licenses as it wants to under its original proposal. I hope that we will defeat that amendment.

The compromise carefully crafted in the Committee on Commerce, with the great work of the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Michigan (Mr. DINGELL) says in effect that the Commission must submit independent testing of interference, and then we get to say, based upon that report, whether they can move forward.

Let me tell the Members why that is so critical. I want to read Members a letter from the Hispanic Broadcasting Corporation to our chairman. They are writing to express concern about the implementation of low power FM, and

ask strong support for this bill, as we have compromised it.

The author indicates, ''The FCC is moving forward with a low power FM plan that has not been thoroughly thought through. First, radio is on the verge of converting to digital.'' For television, we gave television new spectrum to move into digital. We did not do that for radio. Radio has to move to digital in the same spectrum they are currently located. That is going to be a tough trick.

Before that happens, if the FCC moves forward with this low power FM radio issuance and in fact those stations interfere with that digital transmission of the radio stations that currently exist, like the Hispanic radio station, like the public radio stations, not just the private corporate radio stations, if the FCC moves forward and then the digital conversion does not work, there is all kind of interference. We just will not get static on the radio, we will get no signal at all. In digital, it just cuts out totally.

We were told by the Commission that they would wait for the digital report to come out before doing this FM low power rollout, but they went ahead anyhow and did it regardless of that report. It is still not done. Hispanic radio is asking us, please pass this bill. Make sure there is no interference.

They go on to point out, ''Furthermore, less expensive and older radios used disproportionately by minorities and older Americans,'' the walkmen, the boom box, the radio beside our beds, not just the radio in the shower, the radio beside our beds, for many older Americans, ''are more susceptible to interference from low power stations. Millions of Americans rely on low quality radios as their main source of news, weather, and sports,'' 65 million, to be precise.

I am concerned that low power FM will disenfranchise the very people it seeks to empower, underserved communities like the Spanish language audience that we serve.

See, this is the problem, Mr. Chairman. It was minority radio stations and public radio stations, not just the private corporate radio stations represented by the NAB, who came to us and said, do not let this happen to disenfranchise our audiences and our radio stations. Make sure there is no interference.

I wish Members had been in our committee room to hear the potential interference. As a beautiful song was playing, we could hear people talking over it. As a beautiful opera perhaps was being presented by National Public Radio, we could hear talking over it. As perhaps a Spanish language station was trying to do some cultural work in the community, we could hear somebody else talking over it.

In digital, we would not even hear it at all. It would block the signal completely.

Mr. Chairman, we have worked out a delicate compromise. This lets the FCC go forward where we know there will be no interference. It requires private, independent testing to make sure there will not be interference. If they want to go further, it requires them to come back and get permission from us after we know there will not be that interference.

The gentleman from Wisconsin (Mr. BARRETT) will offer an amendment in just a little while that will tell the FCC it can do what it wishes to do after 6 months, regardless of the interference problems. I hope we defeat that amendment. I hope we pass this good bill. The gentleman from Ohio (Mr. OXLEY), the gentlewoman from New Mexico (Mrs. WILSON), and the gentleman from Michigan (Mr. DINGELL) have done some good work and put together a good compromise.

Ms. BROWN of Florida. Mr. Chairman, these new Low powered stations will offer a voice to those who deserve to be heard, and will promote greater diversity and allow non-profit organizations, community groups, and churches an opportunity to reach their local constituents without paying huge fees to commercial radio stations.

As more and more radio stations are bought up by large companies, it becomes more and more difficult for minorities and women to own or access a station. Its obvious to me why these commercial radio stations are opposing these additional stations, they just don't want any competition.

It amazes me that the same people who chastised the FCC for trying to limit religious broadcasting are the same ones that stand on the floor here today trying to prevent churches and community groups access to the media. Its dishonest, and I encourage my colleagues to let the FCC do their job and defeat this bill.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 3439, the Radio Broadcast Preservation Act of 2000. The House is rushing to judgment on this important issue and I regret we are considering this bill at this time.

This bill would block the Federal Communications Commission from going forward with its plan to establish Low Power Radio which is a non-commercial, community-based radio service to give churches, non-profit community groups, colleges and universities and state and local government access to the public airwaves. These stations would serve an audience within a 1.5 to 3.5 mile radius, which is not a very large area.

Low Power radio is important because it will allow the sharing of the public airwaves with local community voices, voices left off the air because of the massive consolidation of the broadcast industry.

I do not agree that broadcasters would be hurt by a local government's 100-watt radio station trying to inform its constituents about important local government services or events.

I do not agree that anyone would be hurt by a college or university radio station that tries to inform its students about campus events.

I do not agree that anyone would be hurt by a 10-watt church radio station wanting to offer mass over the airwaves to parishioners who cannot attend services.

Nor do I believe that anyone could be hurt by a non-profit organizations' efforts to inform language minority groups about important community events or services available to them.

It seems ironic that we would be voting here today on a bill to suppress the voices of those we've pledged to give a voice to. Voices that, had this bill been given a proper hearing, we would have heard from, such as the National Council of La Raza, the League of United Latin American Citizens, the U.S. Catholic Conference, the United Methodist Church, the National League of Cities, the US Conference of Mayors, among many others.

Low Power Radio is critical and comes at a time when our communities are losing out to the massive consolidation taking place in the radio broadcast industry. This merger mania has left many of us with little choice about who or what gets to be heard today. We have to do something to protect the diversity of voices and opinions that are often suppressed by the giants in the field.

I urge my colleagues to vote against this bill and help protect low power radio and the communities that would most benefit from this service.

Mr. COSTELLO. Mr. Chairman, I rise today in strong support of H.R. 3439, the Radio Broadcast Preservation Act of 2000, of which I am a co-sponsor.

Mr. Chairman, I am pleased that this legislation would assure that the necessary steps are taken as the Federal Communications Commission begins licensing Low Power FM Radio stations. Low Power FM licenses are an opportunity for churches, schools, and other community groups to begin broadcasting their information to local listeners. While these licenses would open up the broadcasting industry to individuals and groups previously excluded, they should not be given out at the expense of existing stations and their listeners.

The experimental program this bill establishes would study nine test markets to determine the impact of Low Power FM on radio broadcasters and radio listeners. I believe that testing the market is an important method of implementing and improving the Low Power FM program.

Mr. Chairman, H.R. 3439 promotes a more responsible method for the FCC to license Low Power FM and adopts the necessary safeguards for the radio broadcasters and listeners in my district.

I urge my colleagues to support this legislation which will protect radio broadcasters and listeners from excessive static interference and which will promote the responsible licensing of Low Power FM.

Mr. BONILLA. Mr. Chairman, I am in strong support of the Radio Broadcasting Preservation Act. This bill ensures that free over-the-air radio will remain free and uninterrupted.

All too often, I hear from folks in my district concerned about the power grab of the Federal Communications Commission (FCC). Unfortunately, this is just the latest example. The FCC is moving forward with a low-power FM plan they have not thought through. The FCC believes that this decision will allow the ''little guy'' to become a radio broadcaster. In reality, this decision will cause massive interference problems for FM listeners.

The FCC's low power FM plan was approved without proper consideration of technical and other concerns raised by this new service. Radio is on the verge of converting to digital. Has the FCC really thought about the effect of low-power FM on the digital conversion process? No. Wouldn't it make more sense to rollout digital radio—which is even a larger project than the digital television rollout—and then focus on how to accommodate low-power FM? Yes.

Has the FCC really thought about how the millions of Americans who rely on low quality radios as their main source of news, weather, and sports? No. Less expensive and older radios, used disproportionately by minorities and older Americans, are more susceptible to interference from low-power stations. Low-power FM will disenfranchise the very people that the FCC claims it seeks to empower, undeserved communities (including the blind and Spanish language groups).

Did the FCC consider low power stations' interference with out public broadcasters? No. In yesterday's Washington Post, Mr. Kevin Klose, president of National Public Radio, made clear public radio's opposition to the FCC's ''rush to add low-power radio stations to the crowded FM dial.'' This year, we are spending more than 60 million taxpayer dollars on public radio. And the FCC is ready to throw that money down the drain.

The FCC's low power proposal is a true disservice to current broadcasters' outstanding community service. Local radio and television stations provided $8.1 billion in public service just last year. That is more money than the total annual giving of the top 100 U.S. foundations. Full power radio stations across this country provide life-saving information on natural disasters, preventing drinking and driving, curbing drug and alcohol abuse, crime and violence prevention, just to name a few areas.

The FCC proposal presumes that local radio stations no longer provide local service. That assumption is completely false. The FCC should be reined in and local broadcasters should be allowed to continue their good work.

Mr. SANDLIN. Mr. Chairman, I rise in strong support of the Radio Broadcasting Preservation Act and the compromise bill reported out of the Commerce Committee. This approach will allow low power FM (LPFM) to move forward with proper safeguards against interference.

I support providing new opportunities for community, public interest, civil rights and educational groups to be heard in the public forum. I do not dispute the potential that LPFM stations provide for under-represented community and educational groups. However, we must ensure that in the process of providing a voice for these groups, we do not impair radio listeners' access to locally originated information and entertainment. By calling for a careful review of the LPFM plan, H.R. 3439 allows low-power FM to move forward while protecting listeners from increased interference on the FM radio dial. The legislation does this by re-establishing previous FCC signal-interference standards and commissioning the FCC to study the extent to which signals of such low-power stations interfere with the signals of existing stations.

Millions of Americans depend on the radio for important information and entertainment programming. Thirty percent of this population, especially low-income and elderly listeners, access this programming via inexpensive and older radios. The level of interference these individuals will encounter due to LPFM is unknown. H.R. 3439, therefore, calls for field tests to determine how LPFM without third-adjacent channel protection would affect current listening audiences. The FCC would then be required to submit a report to Congress on the results of these tests by Feb. 1, 2001, along with any recommendations for modifications to signal-interference standards.

Also unknown is the impact of LPFM on existing public stations and small and independent commercial stations which already provide valuable services such as emergency warnings, weather and traffic information, community news and entertainment. Many of these stations depend on local resources to meet operating expenses through underwriting or advertising and may be placed into direct competition with LPFM stations in their struggles to stay afloat. This bill requires the FCC to conduct an economic impact study on incumbent broadcasters (particularly the economic impact on minority and small broadcasters), the transition to digital broadcasts, FM radio translator stations, and stations that provide reading services to the blind.

I would like to see localized groups have station access and believe this communication will strengthen community bonds. However, I do not want new access to be gained at the expense of pre-existing stations. I am encouraged to know that the House Commerce Committee was able to work out this compromise. H.R. 3439 not only provides new opportunities for station access but also protects existing community broadcasters from interference.

Mr. DICKEY. Mr. Chairman, despite objections raised from many corners, the FCC has charged ahead with plans to immediately implement low-power FM. In the process it has ignored legitimate concerns about interference and the continued viability of small and independent commercial stations and existing public stations. H.R. 3439, the Radio Broadcasting Preservation Act, pulls the FCC back from the edge without completely halting its authority to pursue low-power FM.

The potential for interference has been a primary concern from the beginning. The available spectrum only stretches so far. While the FCC claims its plan will not cause interference on car radios and high-fidelity stereo component systems, it does admit some interference will occur on clock radios and portable radios like the boombox and walkman. Considering these types of radios account for 65 percent of all radios in America, it makes sense that we should step back, take a breath and carefully consider all the consequences before taking drastic actions. We must also ensure that in its haste to implement low-power FM, the FCC does not overlook the impact on inexpensive and older radios, which are highly vulnerable to interference and are most commonly used by low-income and elderly individuals. H.R. 3439, therefore, requires a test of nine markets be conducted by an independent third party to determine how low-power FM without third-adjacent channel protections would affect current listening audiences.

Another potential problem not explored by the FCC is interference with services for blind individuals. The International Association of Audio Information Services uses frequencies located on the outer edge of radio stations' spectrum to read books and newspapers to over 1 million blind individuals, who listen to this service with special radios. The FCC did not test these radios. This bill, therefore, requires the FCC to explore the impact of low-power FM on stations that provide this important service.

Interference is not the only issue about which we must be concerned. Small and independent commercial broadcasters who rely on local advertising to meet operating expenses face questions about their continued economic viability. These existing stations could be undercut by low-power stations siphoning off limited local resources for underwriting purposes. These existing local stations already provide many of the services low-power FM stations purportedly are being created to provide, including community news and emergency information. Many public radio affiliates share these concerns about increased competition for limited local resources. H.R. 3439 addresses these concerns by requiring the FCC to conduct an economic impact study of low-power FM on ''incumbent FM broadcasters in general, and minority and small-market broadcasters in particular.''

Finally, this bill ensures former ''pirate'' or unlicensed broadcasters are not eligible for low-power FM licenses. These individuals should not be rewarded for previous unlawful acts that interfered with authorized FM broadcasts.

Considering the many concerns at play here, the FCC should take a step back and reevaluate its plan for low-power FM. H.R. 3439 is a sensible approach to such a reevaluation. It protects existing stations from serious harm, guards against interference experienced by the listening audience, all while allowing new community broadcasters to enter local markets.

Mr. UDALL of Colorado. Mr. Chairman, I rise in opposition to this bill.

I was encouraged to hear last year that the FCC was initiating efforts to bring back community radio. After engaging in a public process that took into account thousands of comments from citizens all over the country, and after conducting extensive technical tests, the FCC issued its rule to establish lower power FM radio, a rule that many see as conservative. The FCC scaled back its proposal significantly in order to protect existing stations from interference, while at the same time maximizing the ability of local groups to gain access to the public airwaves.

The FCC's rule is meant to help bring community radio to millions around the country, and thereby to address a need that is not met by mainstream broadcasters. It is meant to bring the voices of community groups, churches, educational institutions, and local governments to radio. Many of these voices have been lost through media consolidation—figures I've seen show the number of radio station owners decreased by nearly 20 percent between 1995 and 1998. So at a time when even fewer voices are being heard, it is even more critical for us to be thinking about how to let more voices in, not keep them out.

Although critics of the FCC claim the rule was made in haste, Chairman Kennard has said publicly that ''no service ever considered by the FCC has been as extensively studied as low power radio.'' He has said time and again that this was a ''responsible public interest decision that will not impact the existing radio service.'' I believe that if low power radio does end up having a negative impact on existing service, the FCC will step in to correct the situation.

In the meantime, we should stop trying to legislate technical details. The FCC is charged with maximizing the public's use of the airwaves, encouraging the provision of new technologies and new services to the public, and providing new access to the airwaves for more people. We should let the FCC do its work, and oppose this bill.

Mr. EWING. Mr. Chairman, on January 20, 2000 the FCC adopted rules creating a new, low power FM radio (LPFM) service. This service creates two classes of radio service to operate within the FM radio frequency band with power levels from 1–10 watts (LP 10) and from 50–100 watts (LP 100).

The rationale for creating this new class of radio service is to bring diversity to radio broadcasting and enhance community-oriented radio broadcasting. Those eligible for licenses for this type service can be noncommercial government or private educational organizations, non-profit entities with educational purposes; or government or non-profit entities providing local public safety or transportation information, as long as they are based in the community in which they intend to broadcast.

The problem with this new service is not with its intent. Seeking to promote diversity in broadcasting and enhancing community-oriented radio broadcasting are both honorable goals. The problem is these new stations will operate on the FM radio frequency band currently occupied by full power radio stations, and there is the possibility that these low power stations will interfere with these existing stations.

Under current FCC rules for full power radio stations, interference between stations is avoided by preventing stations from sharing the same channel or the first, second or third adjacent channel. Under the proposed rule, however, low power FM would be allowed to occupy the third adjacent channel to an existing full power radio station.

The FCC officially contends that allowing low power FM stations to occupy the third adjacent channel will not cause unacceptable levels of interference to existing radio stations. However, these claims have been questioned by various groups such as the National Association of Broadcasters, the Consumer Electronics association, and the Corporation for Public Broadcasting (led by National Public Radio). Even the International Association of Audio Information Services, whose members employ local volunteers to read the local newspapers on air to over one million blind listeners nationwide, has expressed concern that these new low power stations could cause interference with their services.

There is even some concern among several FCC commissioners that these new stations will cause interference. In the FCC's Report and Order concerning this ruling 2 of the 5 FCC commissioners expressed concern that these low power stations would interfere with existing stations. In dissenting statements regarding both the proposed rule and the final rule, Commissioner Harold W. Furchtgott-Roth stated that although he was not opposed to the creation of low power radio service, he could not support the rule because he believed that suspension of the third adjacent channel protection would cause interference with existing stations. He feels the entire process was rushed to judgment and that the commission had not taken the time to do the right technical studies the right way. Furthermore, he believes any demand for lower power noncommercial stations could be met by the dispensation of licenses within existing rules—i.e., by giving out 101 watt licenses consistent with the 100 watt minimum requirement or get a waiver to the 100 watt minimum rule if someone really felt compelled to operate a 50-watt station.

In his dissenting opinion Commissioner Powell echoed sentiments similar to those expressed by Commissioner Furchtgott-Roth. In light of lingering concerns about signal interference and his concern about the economic impact of the new service, Commissioner Powell regrets the ''shot gun introduction'' of the rule and believes the service should have been introduced gradually with third channel adjacency protections intact. In his opinion, this would minimize the risk of interference in a manner consistent with existing services and it would introduce substantially fewer stations into the market, thereby allowing for the evaluation of the economic impacts of these new stations. If all goes well, he suggests a move to full service with less adjacency protection, as warranted by experience.

H.R. 3439 follows the suggestions of Commissioner Power. Under the bill, the FCC may go forward immediately licensing LPFM stations as long as interference protections to existing stations are maintained, including protections to third adjacent channels. At the same time, the legislation requires the FCC to set up an experimental program in nine markets to test whether LPFM will result in harmful interference to existing stations if third channel protections are eliminated. Additionally, the legislation provides that an independent party will conduct a study of the affect of LPFM without third-adjacent channel on digital audio broadcasting and radio reading services for the blind.

While the spirit of the rule allowing the creation of low power FM service may be commendable, we must not act in a rash manner and allow it to be implemented before we are positive that it will not negatively impact existing stations. Radio, particularly in rural areas, is an important source of information. For some individuals it is the only source of local news they receive. If we allow these new low power stations to co-exist with established stations without ensuring that there is no interference we may be doing more harm than good.

H.R. 3439 provides an effective balance by allowing new low power FM stations to be established while simultaneously protecting existing stations from interference. Furthermore, the bill provides for an experimental program, in nine separate markets, to test the interference that will result if third adjacent channel protection. If the results of this test are successful it is foreseeable that these restrictions may be lifted sometime in the future. However, until we have conclusive proof that these low power stations do not significantly interfere with existing stations, we simply cannot allow them to share the same frequencies with existing stations. Existing stations provide services as valuable as those proposed by the new low power stations and individuals are entitled to receive them as clearly as possible. The channel adjacency rules apply to full power stations because of this and it should apply to low power stations until we can prove that the interference they generate is minimal to say the least.

Mr. BARR of Georgia. Mr. Chairman, I rise in support of the Radio Broadcasting Preservation Act of 1999, H.R. 3439.

This legislation sends a strong message that there will be no interference to free radio. H.R. 3439 would require the Federal Communications Commission (FCC) to maintain third-adjacent channel protection, and to consider independent analyses of potential Low Power FM (LPFM) interference before proceeding.

In January 2000, the Federal Communications Commission voted to implement an expansive licensing process. Congressman MIKE OXLEY and JOHN DINGELL working with Congresswoman HEATHER WILSON, have fashioned legislation which would slow licensing from 400 stations to roughly seven. The FCC will then test and determine whether the broadcasts cause interference with mainstream stations. I want to commend these Members for their hard work on this very important legislation.

Mr. Chairman, in today's easy access to communication, there exists great belief that the average American should have the ability to ''speak out and be heard.'' Talk radio, newspapers, magazines, television, public television and radio, and the Internet, all allow anyone to get a message across. How can the FCC say—with a straight face—there is ''no access?''

''Low Power FM'' is a ''social'' agenda based on the idea that everybody can own their own radio station. Of course this appears enticing—but the laws of physics have not been repealed and it cannot be accomplished. Low power radio stations signals will only cause interference to the radio stations already located on the spectrum. This latest effort being made will come only at the cost of severely damaging the most successful broadcasting system in the world—American FM radio.

If you want to know that chaos is, then turn across the AM band and hear the vast amount of interference the FCC has allowed to creep into that brand. No wonder everyone wants FM; the FCC has virtually ruined AM band.

The FCC was founded on administering basic principles of engineering. However, to meet the Administration's ''social agenda,'' the FCC has thrown engineering and testing out the window. The FCC promises it will ''guard'' this new experiment. Mr. Chairman, you and I both know the FCC does not have the manpower to take care of the radio stations currently out there, much less hundreds more. In addition, the FCC could severely hurt the long-awaited entry into ''digital'' radio by American broadcasters. Low Power FM is a bad decision that should be reversed.

Mr. Chairman, today's legislation is a step in the right direction to protect the FM radio stations in Georgia and across the Nation. The importance of this issue came to my attention from my good friend, and a leader in the field of radio broadcasting, Mike McDougald, of Rome, Georgia. On behalf of all the individuals who have dedicated their lives for the advancement of FM radio, I call on my colleagues to support the Radio Broadcasting Preservation Act, H.R. 3439.

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

The CHAIRMAN. Pursuant to the order of the House, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

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

H.R. 3439

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 ''Radio Broadcasting Preservation Act of 2000''.

SEC. 2. MODIFICATIONS TO LOW-POWER FM REGULATIONS REQUIRED.

(a) THIRD-ADJACENT CHANNEL PROTECTIONS REQUIRED.—

(1) MODIFICATIONS REQUIRED.—The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99–25, to—

(A) prescribe minimum distance separations for third-adjacent channels (as well as for co-channels and first- and second-adjacent channels); and

(B) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

(2) CONGRESSIONAL AUTHORITY REQUIRED FOR FURTHER CHANGES.—The Federal Communications Commission may not—

(A) eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A), or

(B) extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99–25 (47 C.F.R. 73.853),

except as expressly authorized by Act of Congress enacted after the date of enactment of this Act.

(3) VALIDITY OF PRIOR ACTIONS.—Any license that was issued by the Commission to a low-power FM station prior to the date on which the Commission modify its rules as required by paragraph (1) and that does not comply with such modifications shall be invalid.

(b) FURTHER EVALUATION OF NEED FOR THIRD-ADJACENT CHANNEL PROTECTIONS.—

(1) PILOT PROGRAM REQUIRED.—The Federal Communications Commission shall conduct an experimental program to test whether low-power FM radio stations will result in harmful interference to existing FM radio stations if such stations are not subject to the minimum distance separations for third-adjacent channels required by subsection (a). The Commission shall conduct such test in no more than 9 FM radio markets, including urban, suburban, and rural markets, by waiving the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program. At least one of the stations shall be selected for the purpose of evaluating whether minimum distance separations for third-adjacent channels are needed for FM translator stations. The Commission may, consistent with the public interest, continue after the conclusion of the experimental program to waive the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program.

(2) CONDUCT OF TESTING.—The Commission shall select an independent testing entity to conduct field tests in the markets of the stations in the experimental program under paragraph (1). Such field tests shall include—

(A) an opportunity for the public to comment on interference; and

(B) independent audience listening tests to determine what is objectionable and harmful interference to the average radio listener.

(3) REPORT TO CONGRESS.—The Commission shall publish the results of the experimental program and field tests and afford an opportunity for the public to comment on such results. The Federal Communications Commission shall submit a report on the experimental program and field tests to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 1, 2001. Such report shall include—

(A) an analysis of the experimental program and field tests and of the public comment received by the Commission;

(B) an evaluation of the impact of the modification or elimination of minimum distance separations for third-adjacent channels on—

(i) listening audiences;

(ii) incumbent FM radio broadcasters in general, and on minority and small market broadcasters in particular, including an analysis of the economic impact on such broadcasters;

(iii) the transition to digital radio for terrestrial radio broadcasters;

(iv) stations that provide a reading service for the blind to the public; and

(v) FM radio translator stations;

(C) the Commission's recommendations to the Congress to reduce or eliminate the minimum distance separations for third-adjacent channels required by subsection (a); and

(D) such other information and recommendations as the Commission considers appropriate.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

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 immediately following another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. BARRETT OF WISCONSIN

Mr. BARRETT of Wisconsin. Mr. Chairman, I offer a preprinted amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in the CONGRESSIONAL RECORD offered by Mr. BARRETT of Wisconsin:

Page 4, beginning on line 9, strike paragraph (2) through line 20 and insert the following:

(2) REQUIRED DURATION OF MODIFICATION: PERMANENT CONDITIONS.—The Commission shall not modify such rules to eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A) until 6 months after the date on which the Commission submits the report required by subsection (b)(3). No such elimination or reduction may remove such separations with respect to third-adjacent channels occupied by stations that provide a radio reading service to the public. The Commission shall not extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99–25 (47 C.F.R. 73.853).

Page 6, line 19, insert before the period the following: '', or 6 months after the date of enactment of this Act, whichever is later''.

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to put this debate into perspective.

We have heard a lot about a compromise tonight. The party, of course, missing from this compromise is the administration. The President has told this body that he is strongly opposed to this bill and will veto it. I think that is something, when we talk about compromise and how there is peace in the valley, that we have to remember that there is something else that is going on here that is not really being fully explored tonight.

What I am trying to do tonight, along with the gentleman from Illinois (Mr. RUSH), and I am pleased that he has worked with me on an amendment, is to offer an amendment that really is a compromise, that tries to respond to what I consider to be some of the legitimate concerns that have been raised by radio station operators in this country, but at the same time, not to have Congress step in, strip the FCC of its authority, and micromanage microradio.

Mr. Chairman, this debate is really the legislative equivalent of, your mother wears army boots. We have had fights for the last several months between the proponents of low power radio and the opponents of low power radio. They are fighting over a study. The FCC does not like the study that has been prepared by the industry. The industry says that the FCC has not done a good enough job in studying this issue. So they go back and forth, back and forth, yelling at each other.

So the amendment that was offered by the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from New Mexico (Mrs. WILSON) I think is a constructive amendment. It recognizes that in order for Congress to act intelligently on this issue, it has to have an independent study.

I have no quarrel with that. I think it addresses the legitimate technical concerns that have been raised by people who run radio stations in this country. I say that as someone who is a strong supporter of low power FM radio. I want Congress to have an independent analysis of this issue.

But this is where we separate, because the Barrett-Rush amendment makes one change and one change only to this bill. It would give Congress 6 months to act after the FCC submits its report. After 6 months, if Congress has not acted, the FCC may proceed with low power licenses.

Why is this amendment important? The reason why this amendment is important is because we do not have a level playing field here. On the one hand we have the radio stations, who have made it very, very clear that, regardless of the outcome of this study, they oppose having any type of expansion to low power FM stations.

On the other side we have the FCC, but the FCC really is speaking for groups that have no voice, by definition. They do not have radio stations. They do not have a powerful lobbying organization. They are the churches, the high schools, the neighborhood organizations.

What the bill does in its current form is it says even if this independent study comes back and says there are no

interference problems, even if there are no interference problems, the FCC cannot continue to do the job it has done for the last 80 years, which is to make sure that the spectrum is filled in a fair way.

Instead, it says that Congress has to act first. I do not think there is a person in this room who believes that the opponents of low power FM radio are going to come back and say, okay, go ahead, change the law. Because even though we have this study here, the bill ultimately still builds a very strong fence. This is a ''fence me in'' bill.

It says to those people who currently have stations, we are going to build this big fence around you and we are not going to let anybody else in. That is wrong. The people in this Chamber who say they are in favor of competition, the people in this Chamber who say they believe in advances in technology I think should say, wait a minute, wait a minute.

We recognize if this study comes back and says that there are problems with interference, this Congress can act in a week. It is not going to take us 6 months. If there is a problem this Congress is going to act very quickly, because frankly, we are going to have powerful forces, just as we have powerful forces right now saying, quick, make sure there is no problem.

If there is no problem, my concern is those same forces are going to come in and say, yes, well, maybe it does not show this, it does not show that, but we are still concerned about that.

What this amendment does is it allows this bill to move forward. Under its current form, it is going to be vetoed by the President of the United States. I think we should be addressing the legitimate concerns, the legitimate technical concerns. That is why I am offering this amendment.

We have two choices, we can go forth with this bill right now, face a certain presidential veto, or we can accept this amendment. I think the President and the Senate will say, all right, that makes sense. Of course we want to have an independent study. Of course we want the FCC to continue its role. But there is no reason in the world that Congress should be micromanaging these stations.

I would bet, Mr. Chairman, that the radio stations themselves would rue the day that they wanted this Congress to get involved in the small, technical matters of the FCC. They do not want us to do that, generally speaking. They want us to stay out of it. But in this instance, they think that they can benefit.

Mr. Chairman, this is a reasonable amendment. I certainly ask my colleagues to support it.

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first indicate this bill was reported by the committee in a bipartisan voice vote. It was an amendment that we finally came to with the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Michigan (Mr. DINGELL) leading the way, that really set out, I think, the parameters of what this program is all about.

It allows the LPFM to go forward in areas where it does not infringe on existing interference protections: in a lot of rural areas, in the New Mexico example, in many areas of the country that are underserved by FM radio. We bent over backwards to make certain that that could go forward.

Then we also said, but it is important in these areas that potentially have interference problems to have a pilot study done and find out once and for all whether in fact these interference standards are adequate, or whether in fact the incumbent radio stations will have problems with interference and their listeners will have interference with that.

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This is really what this argument is all about. The Barrett amendment undercuts the purpose of this legislation by allowing the commission to go forward with full implementation of its lower-power FM rule, including the weakening of interference protections following the pilot program regardless of what the results of that program are.

So we are saying there is the FCC. The Barrett amendment simply says, do not confuse us with the facts. No matter how that pilot program comes out, one can go forward just as one is going forward now.

Now, there is a certain reason why congressional intent is important, and that is why we are debating this today. Is it really realistic to have an FCC, an unelected Federal bureaucracy, a so-called independent agency set these kinds of important standards against the obvious intent of the Congress? I do not think so.

The amendment allows the FCC to proceed with its rule as currently ordered, unless Congress enacts legislation to overturn this in a 6-month period. Well, I have perhaps a little less faith in the alacrity with which this Congress could act or any Congress could act perhaps than the gentleman from Wisconsin (Mr. BARRETT). As a matter of fact, everybody knows that in this town it is a lot easier to play defense than it is to play offense.

So my colleagues are asking the Congress to pass a bill that would or would not be vetoed by the President in that 6-month period. We do not know whether that happens or not.

But to allow the FCC to go forward with the test and then, say, essentially thumb their nose at the test results and move forward with granting these licenses is the height of irresponsibility.

So I would ask the Members to defeat this Barrett amendment, to support the bipartisan compromise that was crafted so well in this committee, and understand that this bill came out on a bipartisan voice vote in the Committee on Commerce with strong support on both sides of the aisle.

Let us defeat the Barrett amendment and get to the real issue here, which is protecting incumbent stations from potential interference from these new low-powered FM stations.

Mr. RUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the issue of whether these low-power FM stations cause interference must be addressed. We sat in the committee, observed and listened to both the FCC and the broadcasters. We were privy to the debate, the unsettled debate about whether or not low-power stations actually cause interference.

I am in support of a middle ground. I am in support of finding a middle ground, Mr. Chairman, so that we can move forward. The amendment, the Barrett-Rush amendment that we are offering today reaches a fair compromise. I think that it is fair, not only to the low-power radio, FM radio station advocates, but it is also fair to the broadcasting industry. It is fair to the American people, and it is fair to the Members of this body. It provides 6 months for the FCC to conduct its pilot study and 6 months for the Congress to create the study's results.

Mr. Chairman, as the bill of the opponents of this amendment, the bill that they have crafted, if it goes forward, it does not give the FCC any opportunities to activate and to allow community organizations, hospitals, students across this Nation access to the airwaves.

Unfortunately, Mr. Chairman, the way that the bill is drafted now, the FCC would have to conduct a study by February 1, 2001. That is just a mere months away. If the FCC study or report indicates that there is no interference, the FCC still would not be allowed to act unless Congress specifically authorizes new legislation. So what this bill in fact does, Mr. Chairman, this bill actually kills low-power radio stations in this Nation.

Again, Mr. Chairman, the Barrett-Rush amendment is fair. I would like to just remind my colleagues that low-power radio stations enjoy broad support from the AFL-CIO, Communications Workers of America, the United States Catholic Conference, the United Church of Christ Office of Communications, the Consumers Union, the Minority Media Telecommunications Council, the National Federation of Community Broadcasters, the National League of Cities, and nationally known musicians, including Ellis Marcalis and Bonnie Raitt.

I urge my colleagues on both sides of the aisle, Mr. Chairman, to vote for this fair and reasonable amendment.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by the gentleman from Illinois (Mr. RUSH) and

the gentleman from Wisconsin (Mr. BARRETT). Not long ago, not very long ago, I read about a 21-year-old man who built his own radio transmitter. He was able to broadcast a signal of a distance of just 2 miles. This was far enough to reach everyone in his community. The problem was, of course, he was the only one who had a receiver. That was back in 1895. The name of that gentleman was Guglielmo Marconi, who invented the radio.

But if he were here today, he would have to overcome a lot more than just that obstacle of one receiver. For instance, he would have to come up with $80,000 to $100,000 before the FCC would even consider giving him a license. He would have to overcome something else that the gentleman from Massachusetts (Mr. MARKEY) alluded to on the floor, and that is the continuing concentration of power in the broadcast industry.

In recent years, the number of radio station owners in this country has shrunk by almost 20 percent. That is why the measure that we are considering today is so important and why this amendment is important. To the credit of the FCC and Bill Kennard, some new life is being breathed into a very old idea, an important idea, the public airwaves should be the public's interest. That is what the FCC did when it carved out a small piece of the broadcasting spectrum for community-level low-power FM stations.

Who will it help? It will help many community organizations who are now shut out, ethnic groups who want to broadcast their culture to the community, senior citizens who want to broadcast their concerns to the community, colleges and universities who want to talk to their students, city councils and villages who might want to broadcast what is going on in their committees and in their council meetings. It goes on and on of the groups that will have an interest in this issue that will be able to get into broadcasting that cannot today.

Musicians who are locked out in a very profound way from experimenting and expressing themselves on radio today would have an opportunity to do so as well.

So a forum for new music and new talent and new ideas, that is what radio should be all about. That is what the FCC plan I think will help achieve. That is why, as the gentleman from Illinois (Mr. RUSH) said, low-power radio has earned the support of the cross-section of organizations throughout America today, including the Consumers Union, the United States Catholic Conference, the NAACP, the AFL-CIO, the U.S. Conference of Mayors.

These are organizations that represent grassroots people who need a voice, who often do not have a voice, and who are now hopefully going to get a voice if they are not denied that by the powerful lobby that they are up against in this fight.

It is time that we tune out the static and that we listen to the facts. This is a reasonable solution, as the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH) have indicated, because the research shows that, even under the worst circumstances, low-power radio would create little interference and no cross-talk for conventional broadcasters.

There are already almost 400 full-power FM stations authorized prior to November of 1964 who do not meet the current channel separation requirements. These full-power stations which operate with only one or two channels between them and the next station on the dial have consistently met the FCC's criteria for distortion-free signals.

So I ask my colleagues to support this amendment. It is good. It is fair. It meets the needs of our communities.

Mr. BURR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH). This amendment deals with the crux of the problem Congress is facing on low-power FM interference.

The FCC chose to eliminate decades-old third-channel interference protections in order to shoehorn in more low-power FM stations. The House Committee on Commerce said wait a minute. After hearings and debate in subcommittee and full committee, my colleagues and myself said low-power FM can go forward and should go forward immediately, but Congress must protect all radio listeners by maintaining third-channel interference protections.

Now, the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH) have agreed that we should put into law third-adjacent channel protections for any radio station that sublets, if you will, some of their spectrum to very important blind reading services, services that the FCC ignores in their ruling.

So the authors of this amendment are saying that the FCC got third-channel protections wrong for these unique and critically vital blind reading stations. But for all other broadcasters who may cover local high schools, sports, or provide Spanish language broadcasts, or our public radio affiliates, one cannot, and I repeat, cannot have third-channel protections under the law.

What if stations decide to offer some of their auxiliary spectrums to blind reading services? Does the FCC then have to go back and protect the third-channel from interference and shut down existing low-power FM stations?

This amendment is ill conceived and flawed. I urge my colleagues to vote no.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. This amendment by the gentleman from Illinois (Mr. RUSH) and the gentleman from Wisconsin (Mr. BARRETT) is a good amendment, and I ask my colleagues to accept it. It is a modest change to H.R. 3439. It is a good amendment, and I only wish it went further.

The promotion of competition and diversity in broadcast has been the guidepost of American communications policy for over 50 years. We are currently experiencing unprecedented consolidation in this industry, however; and we cannot ignore its implications. Today, broadcast remains the way most Americans get their local news and information. Yet, there are fewer and fewer companies that control the content of the information they receive.

That is why more than 2 years ago, FCC Chairman Bill Kennard proposed a new low-power FM radio service. It is a noncommercial service that will allow local churches, schools, community-based organizations, and governments to strengthen the ties in their communities. It is localism and diversity in the purest democratic sense.

The FCC took its responsibility to protect the signals of incumbent broadcasters very seriously. They spent more than a year conducting lab tests and reviewing the potential for signal interference. It also extended its comment period in the rulemaking proceeding and scaled back its original proposal in an effort to address the incumbent broadcasters' concerns. For any objective viewpoint, the FCC bent over backwards to accommodate the concerns broadcasters raised.

The FCC's extensive tests have shown that low-power radio will not harm existing signals. Chairman Kennard has vowed publicly time and again to protect every incumbent FM service from interference.

H.R. 3439 effectively kills low-power radio. It prevents the FCC from issuing all but a small number of licenses and requires more studies into next year. New legislation would be required to permit the program to move forward once the studies are completed.

The Barrett-Rush amendment would simply permit the FCC to implement the program 6 months after the new round of studies is completed, and it has demonstrated again that interference is not a problem.

Passage of H.R. 3439 without the Barrett-Rush amendment will end the promise of greater localism and diversity that noncommercial low-power radio can bring.

□ 1930

I urge my colleagues to vote for this amendment and to vote against the legislation if this amendment is defeated.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today first to declare a conflict of interest. I am a

community radio broadcast station owner and operator and have been for 14 years. My father started in this business in the late 1930s. There has never been more diversity on the dial and more stations than there are today.

Now, my stations are in a small community; 20,000 in the county and 23 in the other. We do the very things that my colleagues are talking about today that they want: Spanish programming, programming for seniors, and so do my colleagues in the industry. And that is what I am standing up here today to talk about, is the public service and community service that is today provided to people in America by their community broadcasters.

This amendment, though, is bad. Now, I am not a radio engineer, although I have spent time inside transmitters with my engineer. My engineer is a fan of low-power FM. He is very supportive of it. He and I disagree on this. But when it comes to the technical issue of LPFM, I want to read my colleagues what he said to me.

''My position on this is not to kill LPFM, but to pressure the FCC to consider revising at least the rules that would be most harmful to full-power FM stations. This rule appears to be the worst. Protecting against interference to a station's protected contour has been a bedrock issue with the FCC.'' He says, ''Perhaps most disturbing were the rules for future full-power FM's. It appears that predicted and actual interference would have to be caused within a future station's 70dBu 'city grade' contour, before the full-power station could have any relief from LPFM interference. Interference from there on out to the 60dBu contour would just have to be tolerated by the full-power station.''

That is why the FCC was created in the beginning, was to sort out these technical interference problems. That is why this amendment is not a good one and why it ought to be defeated and why we ought to run out the test the way the bill envisions and do it in that respect.

I have heard from community broadcasters; I have heard from Jefferson Public Radio concerned about the potential interference with their translator system on public radio. We have a great opportunity to move forward with the legislation that the chairman and the ranking member has offered, and I think this amendment is the wrong direction to go. From a technical standpoint, it is flawed and it will hurt the process.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Barrett amendment. If we were going to take all of the red herrings that have been spread before this body in this debate, we would have to put an aquarium in the middle of the well. This is absolutely one of the most misrepresented Federal Communications Commission efforts of all time.

Now, how do we know this? We know this because we have to test the hypocrisy coefficient. Now, how would we apply that in this particular instance? Well, what we would do is we would look at the 300 high-powered FM radio stations that the National Association of Broadcasters asked to be grandfathered by the Federal Communications Commission in 1997.

Now, we are not talking about 100-watt radio stations, these small non-profit community-based radio stations. Hundred watts. No, we are talking about 50,000 watt radio stations, 10,000 watt radio stations, 5,000 watt radio stations that all operate within the second and third adjacent channels, just with these 100-watt stations.

So the NAB did a big study of these 300, 50,000, 10,000 and 5,000 watt stations. And after a completely detailed eye-watering analysis of the science of these radio stations, here is what they found: that every one of those 300 stations was a dues-paying member of the National Association of Broadcasters and they shall be grandfathered, regardless of their interference that they were going to be causing in the second and third adjacent channels.

Now, who are these channels? Well, my colleagues might have heard of some of them: KCBS, KLAX, KBCD, KYCY. Fifty, 50, count them, 50 high-powered radio stations in California, 24 in Illinois, 25 in North Carolina, 28 in Ohio, 24 in New York, 17 in New Jersey. Go right down the list. So KCBS, operating within the second and third adjacent channel, that is no problem. But a 100-watt station operated by a community church in South Central L.A., oh my God, stop the presses. Let us get the FCC out of this business and have an independent study, says the NAB. The NAB.

Now, why is this? Well, it is very simple. Here is their philosophy. They already got theirs. They are in. They are the incumbents. Pull up the gang plank. There is no room for these poor community groups, churches, minority groups. Oh, my God, how can we figure this out? Let us study it for a year, and then even if they find there is no interference, and, by the way, if they use the same standard that the NAB used with these 300, and that is all we are really talking about here in low power, by the way, only about 300 low power, if they use the same standard they will not find any interference.

But what does the Oxley bill say? Even if they do not find any interference, they still have to come back to Congress. They still have to come back and get permission. And when will that be? When do my colleagues think the NAB will let that happen out here?

So what the Barrett amendment says is, study it. But if they do not find any interference, if they find the same thing that the NAB found in 1997, when they analyzed whether or not their 300 radio stations, the huge 50,000, 10,000, 5,000-watt radion stations caused interference, then license the little 100-watt community-based radio station. Why not do that? But, no, even the Barrett amendment is unacceptable to the NAB.

My colleagues, unless we want to completely ignore the facts, unless we want to completely ignore the history of FM radio in our country, and by the way these 300 stations that got their licenses back in the 1960s, they were only grandfathered. So they have been causing this interference or, more accurately, not causing this interference for 30 years now. So what is the likelihood that the FCC is going to be unable themselves, in order to determine whether or not 100-watt radio stations are causing this problem?

So, my colleagues, I think if right now these 50,000-watt stations are not provoking any complaints in L.A.; if we are not hearing it on KCBS, if we are not hearing it on KLAX, we are not going to hear it on the 100-watt stations. The consumer complaints are not out there.

So I urge a very strong ''aye'' on the Barrett-Rush amendment. It is wise, it is timely, it is important for us to get these small voices out into the communities of our country with the ever-consolidating huge radio industry making it harder and harder for minorities, women, and for smaller voices in our society to have their independent voices heard.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my friend, the previous speaker, indicated the Barrett amendment provided that this test would go forward, and then if the commission did not find any interference, it could move ahead and grant these low-powered stations. That is not what the Barrett amendment says.

The Barrett amendment says that in 6 months, regardless of whether the commission finds interference, it can move forward with the issuance of these low-powered station licenses.

Let me say it again. The bill says they have to do this study and report back to Congress and then Congress will say yes or no, proceed, based upon the results of that study. The amendment by the gentleman from Wisconsin (Mr. BARRETT) says to the FCC that they can proceed in 6 months regardless of whether the independent study produces a finding of interference. Do we really want to vote for that?

Incredibly, the Barrett amendment makes one exception. It says even in 6 months the commission cannot remove the protections against interference for radio reading services to the public. Now, that is a very important service, but if radio reading services to the public deserve this protection from interference, do we not think other minority stations deserve that protection? Do we not think National Public Radio deserves that protection? Do we not think the local radio broadcasting station deserves that protection? Or would we rather have this report come back

to Congress saying there will be all kinds of interference, but the commission is going to move ahead anyhow whether or not it interferes with the local station, with the minority station, with the community broadcast station, or any other station that exists in our communities?

The FCC came up with this proposal. This is not a legislative proposal. The FCC decided to propose this new service. The FCC decided to propose it and then decided to implement it in spite of the fact that radio stations across America expressed concerns to the Members of Congress, whom the FCC is supposed to be answerable to, to check it out first to make sure it would not interfere with listening audiences around the country.

When we invited Chairman Kennard to come and tell us about it, he declined the offer to testify. He sent an engineer instead. So we had a battle of engineers. We listened to the FCC lab test, which said that it is okay to do this stuff. And then we heard from other engineers, who had test results that indicated all kind of talk-over, all kinds of interference problems on all kinds of cheap inexpensive radios; the Walkman, the boom boxes, the radios next to the bedside. And the FCC's answer was, oh, those radios are inexpensive. They are not designed well; and, therefore, we do not care whether it interferes with those radios. It is okay to interfere with those radios. To 65 million Americans, it is okay to interfere with their radio listening because they bought an inexpensive radio. Shame on them. That is the attitude of the FCC here.

If we adopt this amendment, we give the FCC authority to move forward in spite of the fact that it interferes with these less expensive radios. We give them the authority to move forward in spite of the fact it might jam up in a digital age and completely block out the signal of National Public Radio stations in our communities, or our community broadcasters in our communities, perhaps our minority language broadcasters in our communities. We give them the go-ahead and say it does not matter that they are supposed to be subject to Congress; they can do what they want, when they want to do it.

And guess what? Tick off the 6 months with me. This bill gets through the House tonight, and it goes over to the Senate. Maybe the Senate passes it in May. Count them off for me. All of a sudden we are in December. Are we in session? No. We are not in session in December. The FCC even may go out of office next year. We do not know who will be in the FCC next year. But in December the FCC proceeds with the issuances of all these licenses whether they interfere or not. We come back in session next year, and we have to start shutting licenses and radio stations down. Do we really want to be in that pickle? Do we really want to start shutting radio stations down across America because they were licensed incorrectly?

We have an obligation in Congress. We have an obligation to direct the FCC when it comes to the way the spectrum is used in America. We have an obligation to every radio listener not to let them issue licenses that are going to interfere with their listening. And yet the FCC is asking us in this Barrett amendment to do what they want regardless of the test results, except to protect one small little provision of service called radio reading.

I suggest to my colleagues this is an ill thought-out amendment. This undoes the bill. The bill does not shut down FM low power. It lets 70 stations go forward immediately. Immediately. And it simply says for the rest, go the through not the lab test, the field test.

I urge my colleagues to reject this amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if we like careful regulation, if we like responsible behavior by the regulatory agencies, if we expect the regulatory agencies to do their job carefully, then we have no choice but to oppose the amendment offered by my good friends, the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH).

The simple fact of the matter is the FCC did several things. First of all, they changed the standard which was previously signal-to-noise ratio, which covered and described whether or not there was interference that was unacceptable. Second of all, they changed so that now we may no longer use the test of the third-adjacent channel.

My friend, the gentleman from Massachusetts (Mr. MARKEY), said that the FCC was not opposed to this in that event by the broadcasters.

□ 1945

In point of fact, the broadcasters oppose the grandfathering of those higher powered stations.

Now, the issue here, and I want my colleagues to understand this very clearly, is not the question of interference as it impacts upon the broadcasters. Although that is important. It is the interference as it impacts upon the listener.

In 1927, the Radio Act was set up to assure that we restored order to the broadcast channels by eliminating the wild interference and the wild placement of stations, which made the entire spectrum almost useless and impossible to listen to.

What the traditional standard was, then, was the third adjacent channel. In addition to that, it was signal-to-noise ratio, which enables them to tell what in fact is going on from the standpoint of the listener. No test on these points was made by the FCC.

The FCC simply wants to disregard the traditional standards and the traditional methods of measuring whether or not interference exists and will impact upon the listeners.

Now, everybody is making the great pitch that this bill here is going to hurt minorities. In point of fact, it is going to impact most heavily upon benefitting, if we pass this legislation, minority listeners and minority broadcasters because they will receive the assurance that they will get proper protection of both broadcasting and the listeners' concern.

Now, the point has been made, well, if they have got an expensive radio, they do not have to worry. Well, that is an argument that I find very distasteful, because the simple point of fact is that the minorities and the poor and the people who have most need of radio service are the people who can least afford an expensive radio.

We are not talking about shower radios or things of that kind. We are talking about clock radios, inexpensive radios, radios that are used by minorities and by people of limited means.

What the amendment does is it assures that the FCC will have to make a proper test and that the test will be accomplished by an independent testing entity. I think that is fair and proper. And then it lets the Congress make the decision.

Now, I want to remind my colleagues of something that Sam Rayburn told the chairman of the FCC when he got out of hand. He said, Now, son, remember that you work for us and everything will be all right.

The Congress is the body that has created the FCC to function under delegated authority. It is our responsibility to look after the FCC and see to it that their proceedings are fair, to see that their proceedings consider all the questions and are conducted in the proper fashion, and to see to it that the people who are dependent upon radio service get fair treatment.

Remember, at stake here are rights of minorities, people of limited means, and public broadcasting. That is what really is in question, and the question of whether or not proper service is afforded the people.

There will be literally hundreds of stations which will go on the air of low-power character. There will be at least 70 of them in major centers. And in areas below 50,000 markets, we will find that there will be an awful lot of broadcasters who will go on and utilize these low-power systems.

That is the way it should be done. And then we can have a fresh look; we can come to a judgment as to whether or not the test says that we ought to permit the FCC to go forward. At that point a proper decision can be made.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) and their interest in protecting the minority community. And I am sure they are sincere. I just happen

to disagree with them on this issue about whether this is protective of the minority community or not. But that is not the point that I rose to make.

Actually, some of my very best friends are owners of commercial radio stations and own interests; and they deserve to have their signals protected, which is why the underlying purpose of the bill is a good purpose. There needs to be a study.

But I will guarantee my colleagues that, at the end of that study, those same friends of mine will, regardless of the outcome of that study, even if it says that there is no interference, they will be here saying do not take action because they will be trying to protect their own economic interest. And I do not have any problem with that.

But I know that they have enough power in the process to keep any kind of bill from coming that will allow these low-power FM stations to go forward even if the study says there is no interference. And that is why I support the amendment of the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH). Because this is really a question of who is going to play offense and who is going to play defense.

I know the commercial stations have the power to play offense. If this study shows that there is any kind of interference, this Congress will respond to the commercial radio stations, and I know that.

But I do not have that same kind of assurance about the minority community and small institutions and small colleges having the power to move Congress to do something to respond. And I think we ought to put the burden on the commercial stations, which is exactly what the amendment of the gentleman from Illinois (Mr. RUSH) and the gentleman from Wisconsin (Mr. BARRETT) does.

If there is a finding that there is really interference, I guarantee my colleagues they will be here and their interest will be protected. And I will probably be on their side because a lot of them are my good friends, and my supporters I might add.

But in the absence of some overwhelming finding, the burden should be on them and not on the community. The airwaves belong to the community in the final analysis.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. OBEY. Mr. Chairman, does the Chair think that we might obtain the vote faster if it were indicated that a number of us are inclined to vote for whichever side stops talking first?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, recognizing my colleague's last statement, I certainly will not take the entire 5 minutes. But I do believe I would like to comment on this bill.

I sat in on the committee hearing and I listened intently. This is a very important issue. Clearly, we do need more diversity of voices in the media.

Mr. Chairman, at the same time, however, it came to light in the committee that there were concerns and legitimate concerns about the quality of signals and the possibility of interference. And so, the concept of a study I think makes eminent good sense.

The concern I have, as has been articulated by my colleague the gentleman from North Carolina (Mr. WATT), is simply this: Why should we absolutely have to come back to Congress before any action can be taken?

Let us put the burden on the broadcasters to say this is a bad idea. If the study comes back and shows that we can have diverse voices think low-power radio without any significant interference, then we ought to move forward.

My father is blind. He listens to the radio as his primary source of communication with the outside world and certainly wants a clear signal. But I think I also want the opportunity to have other voices heard if they could be done without interfering with my father's portable radio.

With that in mind, I support this amendment. I believe it is a fair and reasonable approach that will allow us to move forward if there is no interference with the signal and allow these diverse voices.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of the Barrett/Rush Amendment to the Radio Broadcasting Preservation Act. I believe that the Barrett/Rush Amendment will strongly expedite the availability of low-power licenses to local communities.

This Radio Broadcasting Preservation Act would require the FCC to modify its low-power FM rule by establishing signal interference standards for low power FM stations that are equal to existing standards for full power FM stations. On January 20, 2000, the FCC adopted a new category of radio services that permits the issuance of licenses for low-power, non-commercial community FM radio stations. Under the FCC's rule, the new service would consist of 10-watt and 100-watt stations with a broadcast radius of about 1–2 miles and 3.5 miles.

For many years, the FCC received thousands of inquiries annually from individuals and groups wishing to start low-power radio stations for small communities. The FCC decision to offer low-power licenses will enhance community oriented radio and increase diversity in our Nation's communities.

Local communities and historically underrepresented groups such as, civil rights groups, students and educational organizations, labor unions, churches and religious groups, and many other community organizations have expressed support. In addition, many nonprofit entities providing public safety announcements and local transportation have also expressed support.

However, organizations and some broadcasters are opposed to the low-power FCC license rule, because hey have expressed concerns that low-power frequencies will cause interference with existing broadcasters. For instance, many popular FM stations may experience static and unclear reception. Opponents have stated that the FCC acted hastily to appease the groups applying for low power licenses and that they did not fully consider the technical as well as economic consequences to established broadcasters.

I believe that the granting of low-power licenses by the FCC will offer significantly more opportunities for average Americans to become involved in broadcasting and spread their messages. In fact, many local minority broadcasters will have the chance to provide information to the communities where they operate. The Barrett/Rush Amendment will address the interference issue and speed up the availability of these coveted frequencies to those who may greater benefit from low-power access.

The Barrett/Rush Amendment permits the FCC to proceed with its plans to issue low-power licenses six months after the conclusion of the interference test period, unless Congress expressly takes action to prohibit it. The Radio Broadcasting Protection Act was introduced in order to curtail the FCC's ability to provide new licenses for non-commercial low-power FM radio stations to empower churches, schools, and other community groups to gain access to the airwaves.

The FCC proposal is intended as a response to the alarming trend of ownership consolidation in the radio industry, which has drastically decreased the number of local broadcasters on the air.

The Commerce Committee adopted a substitute to the Radio Broadcasting Preservation Act that would allow the FCC to grant low power radio licenses only in those 70 markets which satisfy the ''third adjacent channel'' protection from interference that applies to existing full power stations, and to test 9 markets whether low-power radio causes interference without the ''third adjacent channel'' protection. Once this testing is completed, the FCC must report the results to Congress.

The bill in its current form does not allow the FCC to act on issuing new low-power licenses, unless Congress specifically authorizes further action with additional legislation; even if the FCC studies find no interference is found in independent testing.

This bill also fails to recognize and inhibits the FCC's expertise in analyzing FM radio issues, including signal interference and spectrum management. Without the Barrett/Rush Amendment this bill is nothing but an unnecessary infringement on the FCC's ability to adapt decades-old rules to ever changing technology. This amendment is a fair compromise: it provides for Congress to exercise timely oversight, but removes an unfair impediment to legitimate action by the FCC with an issue clearly under its jurisdiction.

We can do better and we must do better. We owe it to the many churches, schools, non-profit community groups, colleagues, as well as state and local government agencies to go forward with providing access to low-power frequencies and to increasing diversity among our Nation's airwaves.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Barrett/Rush Amendment and in support of the FCC's Low-Power FM radio station proposal. The

Barrett/Rush amendment is a reasonable compromise to this legislation that would allow the FCC to continue work toward establishing these important communications tools.

Mr. Chairman, low-power FM stations would give churches, schools and local community groups access to the radio spectrum at a cost they can afford. These stations will only reach a couple of miles, but the message they will carry will reach many people. These stations will give churches a greater voice in the community. These stations will allow schools to set up in-house radio stations. Schools can train kids for a career in the radio industry, as well as provide announcements of school closures and after-school events. Local community groups will be able to contribute to the diversity of voices in their community while providing important information.

The bill we are considering today will effectively give Congress the ability to kill the low-power FM program. The Barrett/Rush amendment forces Congress to act on this proposal instead of allowing it to wither away. My colleagues and I have heard the concerns of broadcasters that these new stations will interfere with existing stations. This amendment will allow for further study to ensure that the integrity of the spectrum is maintained. However, it mandates that Congress will act on this proposal after the independent study on interference is completed. This amendment represents a more responsible compromise to allay the concerns of broadcasters while giving the FCC the ability to move forward with this program.

Mr. Chairman, I urge support of this amendment and low-power FM radio.

Let's give new strength to the voice of the people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. BARRETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARRETT of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 245, not voting 47, as follows:

[Roll No. 129]

AYES—142

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Evans
Farr
Filner
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Minge
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Weygand
Woolsey
Wu
Wynn

NOES—245

Aderholt
Allen
Archer
Armey
Bachus
Baird
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Condit
Cox
Cramer
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Manzullo
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Mink
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Oxley
Packard
Pallone
Paul
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOT VOTING—47

Baker
Bilirakis
Bliley
Borski
Callahan
Canady
Clay
Clement
Coburn
Cook
Cooksey
Costello
Crane
Fattah
Fowler
Gallegly
Ganske
Goodling
Greenwood
Hall (OH)
Herger
Houghton
Kolbe
LaTourette
Leach
Lofgren
Lucas (OK)
Martinez
McCarthy (MO)
McCollum
McInnis
McIntosh
Miller, Gary
Miller, George
Mollohan
Myrick
Quinn
Rangel
Rogan
Ros-Lehtinen
Sanchez
Shuster
Stark
Vento
Weldon (FL)
Wexler
Young (FL)

□ 2014

Messrs. LAHOOD, BARCIA and WATKINS changed their vote from ''aye'' to ''no.''

Mrs. MCCARTHY of New York, Mr. SHERMAN and Mr. METCALF changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri: Mr. Chairman, during rollcall vote No. 129, The Rush/Barrett Amendment to HR 3439, I was unavoidably detained. Had I been present, I would have voted "yes."

Ms. SANCHEZ. Mr. Chairman, during rollcall vote No. 129 on April 13, 2000 I was unavoidably detained. Had I been present, I would have voted "aye."

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

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

The CHAIRMAN. Under the order of the House of today, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations, pursuant to the order of the House of today, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the order of the House of today, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute 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.

RECORDED VOTE

Mr. OXLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 110, not voting 50, as follows:

[Roll No 130]

AYES—274

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Condit
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
McCrery
McHugh
McIntyre
McKeon
McNulty
Meehan
Mica
Miller (FL)
Minge
Mink
Moore
Moran (KS)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ose
Oxley
Packard
Pallone
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)

NOES—110

Ackerman
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dixon
Doggett
Dooley
Doyle
Eshoo
Evans
Farr
Filner
Frank (MA)
Gephardt
Gonzalez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Moakley
Moran (VA)
Nadler
Napolitano
Obey
Ortiz
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Reyes
Rivers
Rodriguez
Roybal-Allard
Royce
Rush
Sabo
Sanders
Schakowsky
Scott
Serrano
Slaughter
Snyder
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—50

Baker
Bilirakis
Bliley
Borski
Callahan
Canady
Clay
Clement
Coburn
Cook
Cooksey
Costello
Dicks
Fattah
Fowler
Gallegly
Ganske
Goodling
Greenwood
Gutierrez
Hall (OH)
Houghton
Kolbe
LaTourette
Leach
Lipinski
Lofgren
Lucas (OK)
Martinez
McCarthy (MO)
McCollum
McInnis
McIntosh
Miller, Gary
Miller, George
Mollohan
Myrick
Quinn
Rangel
Rogan
Ros-Lehtinen
Sanchez
Sherwood
Shuster
Smith (WA)
Stark
Vento
Weldon (FL)
Wexler
Young (FL)

☐ 2032

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. KOLBE. Mr. Speaker, on rollcall No. 130, H.R. 3439, Radio Broadcasting Preservation Act, I was unavoidably absent. Had I been present, I would have voted ''aye.''

Stated against:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 130, Radio Broadcasting Preservation Act, H.R. 3439, I was unavoidably detained. Had I been present, I would have voted ''no.''

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 130 on April 13, 2000, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. COOKSEY. Mr. Speaker, due to my mother's illness, I was not here for the votes on H.R. 3615 or H.R. 3439. Had I been present, I would have voted ''yea'' on passage of H.R. 3615, ''nay'' on the Barrett of Wisconsin Amendment to H.R. 3439, and ''yea'' on passage of H.R. 3439.

GENERAL LEAVE

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3439, the bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3308

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 3308.

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

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, May 2, 2000, the Speaker and majority leader and minority leader may be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MAY 3, 2000

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, May 3, 2000.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1396

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor on H.R. 1396.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) ''Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005'', agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. KASICH, Mr. CHAMBLISS, Mr. SHAYS, Mr. SPRATT, and Mr. HOLT, to be the managers of the conference on the part of the House.

YOUNG ROLE MODELS

(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, this week three youngsters from Sparks, Nevada, were honored as national winners of Make a Difference Day, the largest national day dedicated to helping others.

Ten-year-old Crystal DeRuise, her 8-year-old brother Trevor, and her friend, 10-year-old Diana Vaden, started a simple crafts project. They collected oval-shaped rocks, painted them to resemble ladybugs, and sold them at local community craft fairs.

This simple project has become a local phenomenon in a nationally-recognized charity. When Diana's mother became ill with lupus last year, the students began to sell their rocks at the local stores, donating all of their proceeds to the Lupus Foundation. To date, they have raised about $1,500 for lupus research, and plan to generate at least $1,000 more in sales by Christmas.

In addition, as national finalists, an award of $10,000 will go directly to the Lupus Foundation on their behalf.

It is truly an honor for me to recognize these young individuals, who have given so much of themselves to such a worthy cause. These young children are truly the real role models for all America.

COMMENDING COMMISSIONER CHARLES ROSSOTTI FOR CREATING PARTNERSHIP BETWEEN IRS AND NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

(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, each day in the United States, 2,200 children are reported missing to the FBI's National Crime Information Center. Our colleagues have helped to raise the level of awareness about missing children by featuring their photos on franked mail and newsletters. Hundreds of corporations do their part. President Clinton mandated the posting of missing children's photos in Federal buildings.

Today I commend Commissioner Charles Rossotti of the IRS for creating a new partnership between his agency and the National Center for Missing and Exploited Children. All tax forms and publications this year feature the pictures of missing children where blank space once appeared. The IRS estimates that up to 600 million images of missing children are being featured.

The National Center reports that one in six missing children is recovered when someone recognizes their photo, and we are optimistic that many children featured in the new IRS program will make their way home as a direct result.

Mr. Speaker, please join me and the Members of the Missing and Exploited Children's Caucus in applauding Commissioner Rossotti for his leadership in bringing the pictures of these children to such a large audience simply by taking advantage of available space.

On behalf of all the families of missing children from our respective districts, we thank you.

IN SUPPORT OF DR. LAURA

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

Mr. BARTLETT of Maryland. Mr. Speaker, I have a button which I sometimes wear. It says, ''Politically Incorrect and Proud of it.'' I probably ought to be wearing that button tonight, because what I am going to say is going to be deemed politically incorrect by some.

You see, I rise in strong support of Dr. Laura. Mr. Speaker, under the guise of freedom of speech, my children and my grandchildren are put into a sea of filth and violence on television and the Net. Yet, when Dr. Laura recapitulates spiritual and moral values espoused by countless civilizations through millenia of time, pagans and Christians and Jews and Muslims, she is accused of hate speech.

Mr. Speaker, I proudly rise to defend Dr. Laura and her right to freely express her religious convictions, her deeply held religious convictions, without fear of being called a bigot. If her rights are denied, all our rights are at risk.

THE CENSUS AND URGING MEMBERS TO JOIN IN RESOLUTION SALUTING MINORITY VETERANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise for two reasons this evening. First of all, I ask Americans not to forget the Census. On April 16, we will have Census Sunday in my district, where I hope all of our religious communities and all those who will be gathered under one roof will realize the importance of one vote, one person, and realize they should be part of the count and not part of the undercount.

So many of our men and women have served the United States military so that we might be free. The Census is one exercise that the United States partakes in to ensure that all Members of this Nation are counted. So I hope that those who have not sent in their forms will realize that this is a part of the obligation of being here in the United States, to be counted.

Finally, Mr. Speaker, I hope my colleagues will join me in supporting House Resolution 98 to salute and give appreciation to all of the minority veterans that served in World War II, African-Americans, Hispanics, Native Americans, who, because of discriminatory laws in the United States, were not fully acknowledged.

We appreciate all who served in World War II and who gave their lives in sacrifice, but we hope we will be able to honor them on a day of honor, May 25, 2000.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MAY 2, 2000

The SPEAKER pro tempore laid before the House the following appointment by the Speaker:

WASHINGTON, DC,
April 13, 2000.

I hereby appoint the Honorable FRANK R. WOLF or, if not available to perform this duty, the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through May 2, 2000.

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

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

COMMUNICATION FROM LEGISLATIVE COUNSEL OF THE OFFICE OF GENERAL COUNSEL

The SPEAKER pro tempore laid before the House the following communication from M. Pope Barrow, Jr., Legislative Counsel of the Office of General Counsel of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE LEGISLATIVE COUNSEL,
Washington, DC, April 13, 2000.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules

of the House of Representatives, that I have been served with a subpoena for production of documents issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

M. POPE BARROW, Jr.,
Legislative Counsel.

SPECIAL ORDERS

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

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

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

PRESCRIPTION DRUG COVERAGE

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

Mr. BAIRD. Mr. Speaker, I come before the House today to talk about one of the most serious issues affecting senior citizens and families across the country. That is the skyrocketing cost of prescription drugs and the lack of affordable health coverage for seniors.

Too many of our Nation's senior citizens are forced to make an impossible choice each month about whether they buy the food they need, pay to heat their homes, or pay for the prescription medication that will keep them alive and keep them healthy.

Mr. Speaker, in the richest country in the history of the world, it is simply wrong to force our senior citizens to make that choice. I am sure Members have noticed this giant pill bottle. The size of this pill bottle reflects the escalating costs of prescription medications in our country.

Mr. Speaker, next week I will travel throughout my district and invite senior citizens to bring to me their prescription medications, their prescriptions, and the bills they pay for them. Mr. Speaker, we are going to fill this prescription bottle with those medication receipts, and we are going to bring it back to this body and demand action.

Mr. Speaker, too many senior citizens in this country are making a choice, a terrible choice that they should not have to make. This body has now been in session more than 15 months. We have talked about naming post offices, we have traveled back and forth across the country to vote on silly suspension bills, in some cases.

What have we not voted on? We have not voted on any substantive legislation, not one piece of substantive legislation to lower the cost of prescription medications or to provide meaningful health insurance to our senior citizens.

Mr. Speaker, we must not apply a placebo false fix to this problem. We must provide a real prescription on the House of Representatives to solve a real problem that is affecting our senior citizens' health and well-being every day.

Mr. Speaker, when I am in my district next week, I want hundreds of senior citizens to come out. I want to share with Members a story. We asked many of our seniors to share with us what they are paying for prescription medication. I was particularly moved by the story of Ms. Gwen Blackman of Longview.

This is what she wrote to me recently. She is receiving $650 per month for social security disability payments, but Mr. Speaker, she must pay $360 of that per month for prescription medications. How does she do that? Mr. Speaker, she does not do that. What she is forced to do is, on some months, go without her medication.

☐ 2045

The richest country in the history of the world, we have senior citizens not able to pay for the medication they need because we have done nothing to control the escalating costs of prescription medications, and we have done nothing substantive to provide meaningful, meaningful and real affordable health insurance that includes prescription medications for our seniors.

This House has before it several bills. I am not taking a position tonight on exactly which bill we must pass. But, Mr. Speaker, we must have this debate, and we must not pass a placebo designed to make us feel like we have done something without doing something.

I hope senior citizens from around this country will look at this giant prescription bottle and say I am going to follow the example of that Member of Congress, I am going to send my Member my prescription medication bottles. I am going to send them the receipts and say, ''Sir or Madam, what would you do if you were in my shoes, and what will you do as an elected Representative to solve this problem.''

IN DEFENSE OF DR. LAURA SCHLESSINGER

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

Mr. BARTLETT of Maryland. Mr. Speaker, Americans must speak up for freedom of speech, freedom of religion, and traditional morality by defending Dr. Laura's TV show against politically correct antibigotry bigots. That is why I would like to read into the RECORD excerpts from an excellent column from the April 8 issue of World magazine by noted professor of journalism, Marvin Olasky. The article is entitled, ''Support Dr. Laura: Don't back GLAAD, get mad at the anti-bigotry bigots.''

Now I quote, ''Long-time World readers know that I advocate political alliances between religious conservatives and libertarians, and social-issue alliances between biblical Christians and theologically conservative Jews and Muslims. We need such alliances, I believe, because God has not placed us in the ancient land of Canaan, the theme park that Israelites were told to make their own. Instead, Christians are called to live amid sin in a modern Babylon. . .

''Dr. Laura Schlessinger has reportedly surpassed Howard Stern and even Rush Limbaugh as the most-listened-to radio person. She regularly reaches over 20 million radio listeners on 450 stations in the United States and Canada with a message that emphasizes biblical morality. More Americans may soon hear that message: Paramount recently signed up 85 percent of U.S. television markets to air her hour-long talk format television show. But homosexual activists are now campaigning to stop her influence from expanding further. . .

''Dr. Laura (now 53 years old) has become an Orthodox Jew—and that means she has increasingly presented an Old Testament-based critique of homosexuality. To those who disagree she says, rightly, 'I am reiterating what God said. To them, that makes me 'hateful.' I'm sorry —talk to God about it.' Since groups like GLAAD, the Gay and Lesbian Alliance Against Defamation, don't want to talk to God about it, they have instead put pressure on Paramount to stop the Dr. Laura television show before it starts. GLAAD's posture is ironic in one respect; as Dr. Laura told our reporter Lynn Vincent earlier this year, 'I think it's quite fascinating that a group that's talking about civil rights wants to curtail my right to make a living, speak my point of view, and to have my religious convictions.'

''Www.stopdrlaura.com, one of the new attack websites, bills itself as 'a coalition against hate.' The Stop Dr. Laura movement lists e-mail addresses and phone and fax numbers for the Paramount offices, giving homosexuals and their apologists an easy way to

maximize harassment of Paramount executives. One of the dot-com brains behind the attack, John Aravosis, said, 'The show's going to be canceled. This is going to be living hell for Paramount for the next year at least. E-mails will keep flying and flying and flying. Everyone on-line who's progressive is going to know that Paramount is a bigot.' For progressives, of course, 'bigotry' only goes one way.

''Former Member of Congress Pat Schroeder attacked Dr. Laura by saying, 'The pledge of allegiance says, 'with liberty and justice for all.' What part of 'all' is unclear?' That question should be turned back to Mrs. Schroeder. What about liberty for Dr. Laura.

''If the attack just came on the Web, it would not be so serious but leading liberal publications have become lapdogs of the homosexual lobby. GLAAD in 1998 met with editors of Time magazine to tutor them on the politically correct way to cover homosexuals in their publication. Time editors followed up obligingly with a flurry of pro-gay coverage, prompting GLAAD to trumpet the magazine's 'truly remarkable turnaround.' On March 20 Time had the predictable story, 'Dr. Laura, Heal Thyself.' So, for that matter, did Newsweek, with its standard hit-piece use of adjectives . . . and out-of-context references . . .

''Dr. Laura issued an ironic statement: 'We are all made in God's image, and therefore, we should treat one another with love and kindness.' But for activists, sincere overtures of peace will not suffice, and only Dr. Laura's unconditional surrender is acceptable . . .

''If a person of Dr. Laura's prominence and proven appeal can be kept off television, tyrants have seized control of the airways and no one who doesn't bow to political correctness is safe . . .

''The best way to ask Paramount executives not to be swayed by the GLAAD offensive is to send a letter to Mr. Frank Kelly, Paramount Television, 5555 Melrose Avenue, Hollywood, California 90038, or an e-mail to television@pde.paramount.com.''

Mr. Speaker, it is an honor to rise in support of Dr. Laura.

THE REUNIFICATION OF THE PARTHENON MARBLES

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

Mr. PAYNE. Mr. Speaker, I would like to call to the attention of my colleagues an issue of great importance to our Nation and to the international cultural community. I was tremendously pleased to learn that the matter of the Elgin Marbles is now being considered by the British Parliament and would like to offer my support for all efforts by the committee to conduct a thorough, authoritative examination of all the issues of return of the Parthenon Sculptures to the Acropolis.

The House of Commons, committee on Culture, Media and Sport will be examining the issue of the Reunification of the Parthenon Marbles as a part of its present Inquiry On Cultural Property: Return and Illicit Trade. Last week, the committee traveled to Athens to conduct on-site meetings on the issue with the Hellenic Republic.

The Parthenon was built nearly 2,500 years ago by the original Periclean democracy. The Parthenon Marbles are the segments of the Parthenon temple frieze and structures removed by Lord Elgin from the Parthenon Temple in Athens to London in 1801 to 1816 under the circumstances of debatable legality.

The subject of the Parthenon Marbles is not a Greek-British issue but one of international and U.S. interests. Within the international community, the United Nations Educational, Scientific and Cultural Organization, UNESCO, and the European Parliament have issued declarations urging that the Marbles be returned to Greece. From the major government buildings of all Western democracies to the emblem of UNESCO, the Parthenon is the recognized international symbol of culture and democracy.

Within Great Britain, two polls over the last 2 years demonstrated that the British public favors the reunification of the Marbles. Last year, an Early Day Motion, signed by 112 members of the British Parliament, was presented urging the return of the Marbles. In March, the Economist magazine published a definitive article on the issue including its own poll of Parliament showing very significant support for the return of the Marbles.

No modern legal concepts of cultural properties apply to the case of the Parthenon Marbles because of the following tragic coincidence. The removal of the Parthenon Marbles occurred on the eve of all modern treaties and international legal precepts regarding cultural property, even in the same decades that the Allies in Europe broke historic ground when they returned the cultural property seized by Napoleon to the Nations of origin. The committee will need to apply strict interpretation of its own legal principles as it weighs the rights of the possessor against the rights of the creator, a very important principle.

The return of the Parthenon Marbles would raise no cause for concern for any other world museums, especially in the United States. Additionally, the Parthenon Marbles is unique, and their reunification would not create a precedent for other museums. Likewise, reunification of the Parthenon Marbles neither establishes a principle for American museums nor poses a threat to our own cultural heritage.

From an ethical point of view, we can imagine the United States position if a foreign diplomat began carting away sculptures from the roof of the Lincoln Monument, which actually the Lincoln Monument was structured after the Parthenon, and they were now in a foreign museum.

From an artistic and cultural point of view, we should consider that the sculptures were integral, structural parts of the architecture, dismembered and taken from the roof of the Parthenon temple. The Parthenon Marbles are not merely ''statutory,'' movable decorative art, but integral, interdependent parts of a temple. Over the centuries, the Parthenon has been a place of worship for three religions in addition to pre-Christian worship of Athena, goddess of wisdom, Orthodox Christian, Catholic, and Muslim.

President Clinton's recent comments in Athens and to British Prime Minister Tony Blair have advanced the debate. Significantly, within days, Prince Charles announced his support for the return of the Marbles to its original place. This will promote a dialogue between the Greek and the British governments which may lead to the reunification of the Marbles to their original home on the Acropolis, hopefully in time to celebrate the 2004 Olympics, which as we know starts in Greece.

Emblems of our culture, in fact, were adopted from the Parthenon and the democracy and culture it represents, including the Lincoln Memorial, the Supreme Court, and innumerable important public buildings and monuments. In the United States, the Committee on the Parthenon has served as a primary catalyst in building public awareness and government support.

Therefore, Mr. Chairman, I urge that we support this and I have introduced legislation to move it forward.

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

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

EARTH DAY 2000

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. Mr. Speaker, we are on the verge of celebrating the 30th anniversary of Earth Day, which falls on April 22. We have much to celebrate, improved air quality and water quality and other environmental standards and better protections for human health. However, we also still have a long way to go to preserve and protect our natural resources.

Unfortunately, the Republican leadership has not promoted an environmental agenda in this Congress. This is a shame because, if we continue on the path that the Republican leadership has been advocating, our planet will be in far worse shape 30 years from now.

I just wanted to mention a couple actions that took place just yesterday in

the House in the committees that I serve on. For instance, Republicans on the Committee on Resources yesterday promoted efforts to drill the Arctic National Wildlife Refuge. If we open the Arctic Refuge to oil and gas development, we will only have the equivalent of 6 more months' worth of oil supply. Yet, in the process, we would destroy one of our Nation's greatest natural resources forever.

Just yesterday, Republicans on the Committee on Commerce in which I serve tried to eliminate water efficiency standards for shower heads and toilets. Fortunately that attempt was defeated. Many of my colleagues on both sides of the aisle are already experiencing severe water shortages back home. One study estimated that indoor water use could be reduced by 31 percent per person per day with products that meet the current standards.

Let me just mention also other aspects of the environmental report in general with regard to the Republican majority. I believe very strongly that many of their policies have harmed our domestic and global energy and environmental security by cutting funding for energy efficiency, renewable energy, weatherization, and alternative fuel programs during the last few years.

In their first effort upon taking control of Congress, the Republican majority cut energy efficiency programs by 26 percent. Over the past 5 years, the GOP has slashed funding for solar energy, renewable energy, and conservation programs by nearly $1.4 billion below the administration's request.

They have also inserted anti-environmental riders into critical funding bills at the 11th hour, hoping that these stealth efforts would not be discovered by the American people. If we look at the situation in Texas where Governor Bush is claiming to be helping the environment, we see that that State ranks first in air pollution in the Nation and third worst in water pollution from chemical dumping. Governor Bush has appointed industry representatives to State environmental agencies that had previously fought against environmental regulations.

□ 2100

And he also has underfunded the cleanup of Superfund sites and has pushed a strictly voluntary program for dirty power plants to reduce harmful emissions, even though Texas's deteriorating air quality has reached a crisis proportion.

While the rest of the world is taking practical steps to reduce greenhouse gas emissions and save money and energy, the Republican-controlled Congress is lagging behind by debating whether the science is real enough to take similar actions domestically.

Mr. Speaker, as we celebrate Earth Day this year, let us reflect on our responsibility for stewardship of our natural resources. I just hope the Republican leadership will stop trying to gut our environmental laws, and I hope all of my colleagues on both sides of the aisle will join me in working proactively to protect our environment now for the present and for future generations.

SUBMISSION OF AMENDED RULES OF PROCEDURE FOR THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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

Mr. SMITH of Texas. Mr. Speaker, on April 12, 2000, in accordance with Rule 1(b) of its rules, the Committee on Standards of Official Conduct amended its rules as follows: (1) to conform the language of Rule 20(f) to the superseding language of Rule 22(a), the last sentence of Rule 20(f) was deleted, which sentence read "The Committee shall transmit such report to the House of Representatives"; (2) to conform the language of Rule 27(o) to the intention of that rule, the word "of" in the first sentence of Rule 27(o) was deleted and replaced by the word "or." The committee hereby publishes its amended rules in their entirety.

LAMAR SMITH,
Chairman.

HOWARD L. BERMAN,
Ranking Minority Member.

RULES: COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, ADOPTED JANUARY 20, 1999, AMENDED MARCH 10, 1999, AMENDED APRIL 14, 1999, AMENDED APRIL 12, 2000

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 106th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

Rule 2. Definitions

(a) ''Committee'' means the Committee on Standards of Official Conduct.

(b) ''Complaint'' means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) ''Inquiry'' means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) ''Investigative Subcommittee'' means a subcommittee designated pursuant to Rule 8 to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(e) ''Statement of Alleged Violation'' means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) ''Adjudicatory Subcommittee'' means a subcommittee of the Committee comprised of those Committee members not on the investigative subcommittee, that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) ''Sanction Hearing'' means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) ''Respondent'' means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) ''Office of Advice and Education'' refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(l), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(i) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.

(j) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(k) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(l) A written request for a waiver of clause 5 of House Rule XXVI (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(m) A written request for a waiver of clause 5 of House Rule XXVI (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(n) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the committee requests of reasonable extensions of time for the filing of financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which the individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center For such propose.

(i) The Committee shall designate staff counsel who shall review financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each financial Disclosure statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that addition is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting infididual who concurs the committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement is an explanatory letter addressed to the clerk of House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(P) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regular scheduled meeting need not be held when the Chairman determines there is not business to be considered.

(b) The Chairman shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting or hearing to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chairman.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Committee Staff

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(c) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific prior approval from the Chairman and Ranking Minority Member.

(f) No member of the staff or outside counsel may make public, unless approved by an

affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(g) All staff members shall be appointed by an affirmative vote of majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(h) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(i) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(j) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(k) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chairman and Ranking Minority Member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the Committee. Such shared staff may assist the Chairman or Ranking Minority Member on any subcommittee on which he serves. Only paragraphs (c), (e), and (f) shall apply to shared staff.

Rule 7. Confidentiality Oaths

Before any member or employee of the Committee may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

''I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.''

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

Rule 8. Subcommittees—General Policy and Structure

(a) Upon an affirmative vote of a majority of its members to initiate an inquiry, the Chairman and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. At the time of appointment, the Chairman shall designate one member of the subcommittee to serve as the chairman and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(b) If an investigative subcommittee, by a majority vote of its members, adopts a Statement of Alleged Violation, members who did not serve on the investigative subcommittee are eligible for appointment to the adjudicatory subcommittee to hold an Adjudicatory Hearing under Committee Rule 24 on the violations alleged in the Statement.

(c) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(d) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(e) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 9. Quorums and Member Disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which he is the respondent.

(e) A member of the Committee may disqualify himself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 18(g) or Rule 24(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 10. Vote Requirements

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adoption of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adoption of a recommendation to the House of Representatives that a sanction be imposed.

(7) Adoption of a report relating to the conduct of a Member, officer, or employee.

(8) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 11. Communications by Committee Members and Staff

Commmittee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee. The Chairman and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business. Evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

Rule 12. Committee Records

(a) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including, but not limited to: (i) the fact of or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study, or other document which purports to express the views, findings, conclusions, or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer, or employee.

(c) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 23. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives.

(d) If no public hearing or meeting is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(e) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(f) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

Rule 13. Broadcasts of Committee and Subcommittee Proceedings

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all

media microphones shall be turned off, all television and camera lenses shall be covered, and the making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 14. House Resolution

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 15. Committee Authority to Investigate—General Policy

Pursuant to clause 3(b)(2) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when—

(a) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(b) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(c) the Committee, on its own initiative, establishes an investigative subcommittee;

(d) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony; or

(e) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation.

Rule 16. Complaints

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, ''Signed and sworn to (or affirmed) before me on (date) by (the name of the person)'' setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the ''complainant'');

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 17. Duties of Committee Chairman and Ranking Minority Member

(a) Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(b) Whenever information offered as a complaint is submitted to the Committee, the Chairman and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(c) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chairman and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1).

(d) The Chairman and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chairman or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(e) If the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to the subcommittee for its consideration. If at any time during the time period either the Chairman or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(f) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

Rule 18. Processing of Complaints

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within five days with notice that the complaint conforms to the applicable rules and will be placed on the Committee's agenda.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the state is prepared by counsel for the respondent, the respondent shall sign a representation that he/she has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may requests information from the respondent or obtain additional information pertinent to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chairman and Ranking Minority Member.

(d) At the first meeting the Committee following the procedures or actions specified in clauses (a) and (b), the Committee shall consider the complaint.

(e) The Committee, by a majority vote of its members, may create an investigative subcommittee. If an investigative subcommittee is established, the Chairman and Ranking Minority Member shall designate four members to serve as an investigative subcommittee in accordance with Rule 20.

(f) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

(g) The respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after

such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of his or her disqualification.

Rule 19. Committee-Initiated Inquiry

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities. The Chairman and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 20.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be process in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, state, or local court. Notwithstanding this provision, an inquiry may be initiated at any time prior to sentencing.

Rule 20. Investigative Subcommittee

(a) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by disposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chairman of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chairman or subcommittee member designated by the Chairman to administer oaths.

(b) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary rulings to the members present at that proceeding. The majority vote of the members present at such proceedings on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(c) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its investigation.

(d) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(e) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or disharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(f) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefor, and any appropriate recommendation.

Rule 21. Amendments of Statements of Alleged Violation

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

Rule 22. Committee Reporting Requirements

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent wavies his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

Rule 23. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report to the Committee pursuant to Rule 20 or Rule 22, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

Rule 24. Adjudicatory Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 23, and no waiver pursuant to Rule 27(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the Chairman and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be acceptable into the hearing record.

(e) The procedures set forth in clause 2 (g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determined that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which related to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or another presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary ruling to the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be an follows:

(1) The Chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chairman shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination may be permitted at the Chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chairman, such questions shall be conducted under the five-minute rule.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need

not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 25. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 24 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 26. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 27(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

Rule 27. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chairman and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chairman and Ranking Minority Member of the subcommittee, and the outside counsel, if any.

(i) Statement or information derived solely from a respondent or his counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent;

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing him of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee the name of any witness subpoenaed to testify or to produce evidence.

(m) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(n) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee

may cite the offender to the House of Representatives for contempt.

(o) Each witness subpoenaed to provide testimony or other evidence shall be provided such travel expenses as the Chairman considers appropriate. No compensation shall be authorized for attorney's fees or for a witness' lost earnings.

(p) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or, with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Rule 28. Frivolous Filings

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of its members, deems appropriate in the circumstances.

Rule 29. Referrals to Federal or State Authorities

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

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

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

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

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

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

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

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

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

AMERICA'S LOT SHOULD BE CAST WITH TAIWAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, not so many years ago, an inspiring U.S. President, John F. Kennedy, gave heart not only to our people but to those living under the sickle and boot of Communism in eastern and central Europe. In a moment that history will remember always, he stood in West Berlin, an island of democracy in a sea of totalitarianism. He championed for the world the cause of freedom with the proud boast, ''Ich bin ein Berliner.'' I am a Berliner.

Today, as this Congress stands on the verge of voting on permanent trade privileges to Communist China, it is incumbent upon us to remind ourselves of Taiwan, the only outpost for democracy in the Pacific Rim. Does mainland China, a Communist nation, whose human rights record is deteriorating, really deserve a blank check from this Congress of the United States? There is not one iota of indication that that totalitarian regime has any respect for liberty's cause.

President Kennedy, on June 25, 1963, at the City Hall in West Berlin said, ''I am proud to come to this city as the guest of your distinguished Mayor, who has symbolized throughout the world the fighting spirit of West Berlin, and your distinguished Chancellor. Two thousand years ago, the proudest boast was 'civis Romanus sum.' I am a Roman. Today the proudest boast is, 'Ich bin ein Berliner.'

''There are many people in the world who really don't understand, or say they don't, what is the great issue between the free world and the Communist world? Let them come to Berlin.''

And I might say today, for freedom lovers, they should say, let them come to Taiwan.

''There are some who say that communism is the wave of the future.'' He said, ''Let them come to Berlin.'' ''There are some who say in Europe and elsewhere we can work with the Communists. Let them come to Berlin. And there are even a few who say that it's true that communism is an evil system, but it permits us to make economic progress. Let them come to Berlin.

''Freedom has many difficulties and democracy is not perfect, but we have never had to put a wall up to keep our people in, to prevent them from leaving us.'' He said, ''I know of no town, no city that has been besieged for 18 years that still lives with the vitality and the force and hope and the determination of the City of West Berlin.'' And I would say today that that is true of Taiwan.

''While the wall was the most obvious and vivid demonstration of the failures of the Communist system for all the world to see, we took no satisfaction in it. What is true of that city,'' he said, ''is true of Germany. Real and lasting peace in Europe can never be assured as long as one German out of four is denied the elementary right of free men, and that is to make a free choice.

''In 18 years of peace and good faith, this generation of Germans has earned the right to be free.'' He said, ''You live in a defended island of freedom, but your life is a part of the main. So let me ask you,'' he said, ''as I close, to lift your eyes beyond the dangers of today to the hopes of tomorrow, beyond the freedom merely of this City of Berlin, or your country of Germany, to the advance of freedom everywhere, beyond the wall to the day of peace with justice, beyond yourselves and ourselves to all mankind.

''Freedom is indivisible, and when one man is enslaved, all are not free. When all are free, then we can look forward to the day when this city will be joined as one, and this country, and this great continent of Europe in a peaceful and hopeful globe. When that day finally comes, as it will, the people of West Berlin can take sober satisfaction in the fact that they were in the front line for almost two decades. All free men, wherever they may live,'' he said, ''are citizens of Berlin, and, therefore, as a free man, I take pride in the words 'Ich bin ein Berliner.'''

Today, as we embark upon a debate on China, America should aspire to no less an ideal than our forbearers who carried the torch of liberty with no fear of the cost. America's lot should be cast with Taiwan as the democratic hope of the Pacific Rim. All free men and women, wherever they may live, are citizens of Taiwan. And, therefore, as a free citizen, I take pride in opposing any special trade privileges for Communist China. There is no other choice for freedom lovers.

DO WHAT IS RIGHT FOR AMERICA, NOT WHAT IS RIGHT FOR POLITICAL REASONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Utah (Mr. HANSEN) is recognized for 10 minutes as the designee of the majority leader.

Mr. HANSEN. Mr. Speaker, I heard an interesting talk by one of the Senators from the State of Utah wherein he talked about his service in the White House under the Nixon years. What I found interesting about it was that he talked about the days of Watergate, and he said the thing that was feared the most in the White House was the Attorney General's office.

Now, I find that very interesting that the Attorney General's office was feared by the President and the President's cabinet. Well, now, Mr. Speaker, I would like to point out that we have an interesting situation going on in a little island down by Puerto Rico. It is called Vieques. Vieques has been a training island for many, many years for the Navy and the Marines.

In fact, that is where they get their final test. That is where they go, before they are deployed to the Persian Gulf or some other hostile place. They go down there and the Marines hit the beach. And as they do, there is fire from those ships, live fire over their heads. Then we have a situation where

actual fighter planes come in and strafe, and then bombers go in. And they do all this as the final preparation before we put all these fine young people in harm's way.

It is interesting that the Eisenhower went out untrained. They did not have the ability to do it. And now the Washington, another aircraft carrier, is going out untrained without the ability to do it. Why is this? It is because we had a very interesting situation occur. A number of people went in and invaded that base. A United States military base. They invaded it.

Now, what should happen there? Obviously, what should happen, the Marines and the Navy should kick them off and turn them over to the Justice Department. And the Justice Department, at that point, should prosecute them for what they have done.

Mr. Speaker, I do not think a lot of people realize that in the United States there are 48 States that have live fire. What if some environmental group or others went in and took it over? Do we stand by and say they can have a vote, and if they vote right, we would give them $40 million, like we do there? I hardly believe it.

So, Mr. Speaker, I have written the Attorney General, as a member of the Committee on Armed Services, and I have asked the question, what is the Attorney General doing to take these people off, who are nothing more than trespassers? The answer to that is that they have done nothing.

Now, today, in the paper I read where an extreme environmentalist, a lawyer by the name of Robert F. Kennedy, Junior, will go to Vieques this Monday and he will scuba dive and he will play down there to see what is going on. I called today and we informed the Attorney General's office that a law is about to be broken, and I asked what was going to be done about it. So far we have heard absolutely nothing.

Mr. Speaker, I do not know if a lot of folks realize that in my years here in Congress I served for 14 years on the ethics committee. For 2 years I chaired the committee. It was my responsibility to talk to Democrats and Republicans alike and say this: You cannot solicit funds from a Federal building, period. You cannot do that. You will be in violation if you do.

I find it very interesting and disagree respectfully with the Vice President of the United States who made the statement that there was no controlling authority because he solicited funds from the White House. If the White House is not a Federal building, my goodness, what is a Federal building in America today?

So I wrote to the FEC, the Federal Election Commission, and I asked them to please explain why the Vice President, in violation, could do that. I knew what their answer would be. They said, we understand the law, but that I would have to call the Attorney General. So we wrote the Attorney General 3 months ago and asked the question, why is it the Vice President has no controlling authority? And if that is the case, then do 535 Members of the Senate and the House not have exactly that same thing? We could sit in our offices, call anybody we want, solicit money from people, even foreign nationals. Why could we not do that?

I find it interesting, Mr. Speaker, that we have not had the Attorney General write us back. So I have had my legislative director, Mr. Bill Johnson, call them on a regular basis and ask them if they would please respond to our letter. And every day we get the same thing, which is, oh, we are working on that. Does it take 3 months to answer a simple letter asking if there is no controlling legal authority? And if that is the case, 535 of us should have exactly the same rights to do it.

I imagine we will hear about it, maybe in the second week of November. Because, again, the Attorney General is dragging her feet.

Mr. Speaker, if I may mention one other issue. In September of 1996, safely on the South River of the Grand Canyon, the President of the United States put 1.7 million acres into a national monument. Now, what authority did he use to do that? He used what is called the 1906 Antiquity Law. Which is a very short law. It is only two paragraphs. But it says he should consider an archeological or a historic thing.

Now, I would ask respectfully of the President of the United States why he did not do that in that proclamation. And in January of this year, why did he not do it on the strip of Arizona; why did he not do it in Phoenix. Why did he not do it? And now this Saturday, rumor is, and I admit I am paranoid, because I hear these rumors and I know they are going to happen, that down in Sequoia Forest in California there will be another national monument. I would just disagree with the President and ask him to please obey the law this time.

And why is he doing these things? We subpoenaed those papers, and in those papers the White House, the Department of the Interior, and the Council on Quality Control said exactly the same thing; we are doing it for political reasons. My goodness, why in this Nation do we do things for political reasons?

I still remember sitting with President Ronald Reagan who made the statement, ''First and foremost we will do what is right for America.'' Not first and foremost we will do what is right for political reasons. Mr. Speaker, I am just hoping in these three examples, Vieques, the ethics committee, the soliciting funds and the Sequoia Park, that people will follow the law for a change. It would be very refreshing to see this.

ACHIEVEMENTS OF REPUBLICAN-LED CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. WELLER) is recognized for 50 minutes.

Mr. WELLER. Mr. Speaker, it has been a busy week and a busy last several months as we have worked hard to address the concerns we hear about back home.

I represent a pretty diverse district. I have the privilege of representing the South Side of Chicago; the neighborhoods of Hegwish, on the east side in the 10th ward. I represent the south suburbs in Cook County; towns like Lansing and Calumet City, and Park Forest and Lynwood; as well as suburban towns in Will County, New Lenox and Frankfort; industrial communities like Joliet; rural areas throughout the rest of Will County and Kankakee, LaSalle and Grundy Counties. And I hear a very clear message in that very diverse district, a message that we should all work together that we should find challenges.

And whether my neighbors that I have the privilege to represent reside in the city or the suburbs or the country, they tell me that they want those of us here in the Congress to find solutions to the challenges that we face.

I think back to 1994, when I had the privilege of being elected to Congress. I think about the issues of the day at that time, and of course the challenges that we were debating and facing in that campaign. And we discussed solutions to those challenges. I remember back then. It was only 6 years ago that the previous Congress and their mismanagement and the President were running up $200 to $300 billion deficits, spending beyond our means. In fact, it was projected that, before the Republican Congress was elected, that deficit spending would total $200 to $300 billion a year, as far as the eye could see.

□ 2115

In response to that, the Democratic Congress, working with President Clinton and Vice President GORE, passed the biggest tax hike in the history of our country, placing America's tax burden at its highest level ever, where the average family in Illinois is now sending at least 42 percent of their average income to Washington or Springfield in the local courthouse. That tax burden is too high. And they raised taxes again and they continued deficit spending.

Unfortunately at that time, in 1994, it was clear that they were running the Federal Government on a credit card. They raised taxes and they increased spending. And even though they increased taxes, they still spent well beyond their means, running up deficits of $200 billion to $300 billion a year, running up a massive public debt and raiding Social Security to spend on other things.

When we promised change and we made the commitment that when we were given the opportunity as Republicans to be in the majority that we would work to change how Washington

works, balancing the budget and paying down the debt and strengthening Social Security and reforming welfare.

I am proud to say that in the last 5½ years that I have had the privilege to serve in this Congress that we went about doing exactly what we said we would do. We balanced the budget for first time in 28 years. In fact, over the next 10 years, as a result of our balanced budget, we are projected to have surpluses, extra money, of almost $3 trillion.

We provided for the first middle-class tax cut in 16 years. Three million Illinois children in my home State of Illinois now qualify for that $500 per child tax credit, $500 a year that will stay back home in that family's pocketbooks rather than coming here to Washington.

We certainly believe that families back in Illinois and working families throughout this country could better spend their hard-earned dollars better at home than we can for them here in Washington.

I am also proud to say that the welfare reform that we enacted over the last 6 years that emphasizes work and family and responsibility has worked. It has succeeded. We now have seen a reduction in our Nation's welfare rolls of one-half.

My home county of Grundy County, Illinois, has seen an 85-percent reduction in welfare; and almost seven million Americans have now moved from the welfare rolls to the work rolls and the tax rolls, changing their opportunities.

One of our greatest successes this past year, we made a commitment of course to change how Washington works by ending what many call Washington's dirtiest and darkest secret; and that is that for almost 30 years Washington raided the Social Security Trust Fund, dipping into Social Security, America's retirement account, to spend on other things.

This past year we put a stop to that, walling off the Social Security Trust Fund so that Social Security dollars could not be spent on anything other than Social Security and Medicare. What a great change in changing how Washington works by stopping the raid on America's retirement account by stopping the raid on Social Security.

By the way, we also started paying off the national debt. In the last 3 years, we paid down over $350 billion of the Nation's public debt. That is progress in paying off that credit card debt that was run up prior to 1994.

We are now working on an answer to the question of what do we do next in changing how Washington works after we balance the budget and cut taxes and reform welfare, began paying down the national debt and stopped the raid on Social Security.

What are we going to do next? Our agenda is simple. We want to help our local schools. We want to strengthen Social Security and Medicare. We want to make our Tax Code more fair. And we wanted to continue paying off that national debt.

I am proud to say that the budget agreement between the House and Senate that we adopted this week, the budget resolution, which sets the framework and the guidelines as we balance the budget for the fourth year in a row, sets those priorities.

I am proud to say that the Republican balanced budget protects 100 percent of the Social Security surplus, reserves every penny of $161 billion, Social Security surplus dollars, so it is off limits to spending for other purposes.

I would point out that last year in the President's budget he proposed spending $57 billion of the Social Security Trust Fund surplus. We said, no, preserving $137 billion total of Social Security for Social Security. That is progress. We stopped the raid last year. This year we are continuing to protect the Social Security Trust Fund, protecting 100 percent of the Social Security surplus.

We also in our budget reflect the need and our goal of strengthening Medicare and modernizing Medicare for the 21st century. We reject what the President proposes when he proposes cutting Medicare by almost $18.5 billion. We stand in opposition to those cuts. In fact, we want to set aside $40 billion to ensure that our senior citizens in America have the opportunity to have a modern Medicare program which provides prescription drug coverage to help seniors better afford prescription care.

Republicans believe that our Nation's seniors should not have to choose between a trip to the grocery store or a trip to the pharmacy. That is why we set aside $40 billion in our balanced budget to start a brand new, for the first time, prescription drug coverage for our Nation's seniors under Medicare.

We also implement a plan to pay off the Nation's credit card. In our balanced budget that we adopted this week, we implement a plan which retires the Nation's public debt by the year 2013. In fact, we pay off $1 trillion of our Nation's public debt over the next 5 years under our balanced budget.

As I said earlier, we already paid off well over $300 billion of our Nation's public debt over the last 3 years.

Our balanced budget also promote tax fairness, tax fairness for working women, tax fairness for working families, tax fairness for farmers and small business people, as well as our seniors.

Our balanced budget, of course, implements our effort to wipe out the marriage tax penalty, provides small business tax relief to help make college and education more affordable for families, and also to make our health care system more accessible.

We also strengthen support with our goal of strengthening our local schools. We increase funding for elementary and secondary education by 9.4 percent, a significant boost in funding, more than three times the rate of inflation for elementary and secondary education. And we also make special education a priority, increasing funding for IDEA, which is special education by $2 billion in our balanced budget.

And last, I would point out that our balanced budget also works to strengthen our Nation's defenses. We have to recognize that the neglect over the years of our Nation's defenses has caused a problem where we are having a hard time retaining our talented men and women in our Nation's military, those that we call upon to, of course, defend our freedoms.

When we increase funding for our Nation's defense, we ensure that our military men and women have the resources they need in order to practice and have the supplies and train and also have quality housing for themselves and their families and good pay.

I would point out, we provided a pay raise for our military men and women for the first time in a long time this past year as part of our balanced budget.

What does this mean? What does the Republican balanced budget mean for our Nation's families? Well, in 13 years, we will have a debt-free Nation. In 13 years, under our balanced budget, we will eliminate the $3.6 trillion public debt. Public debt that was run up over 28 years of deficit spending will be eliminated in about a total 15 years. By the year 2013, under our balanced budget, we will wipe out our Nation's public debt.

If you care about a more secure retirement, which I believe every American does, they care about grandma and grandpa and want to ensure that their mom and dad and, frankly, they themselves have a secure retirement, we began the steps towards strengthening Social Security this past year by stopping the raid on Social Security.

We continue that by preserving 100 percent of Social Security for Social Security. It is the way it is supposed to be. We protect America's retirement account. We also set aside funds to help ensure that our seniors have affordable prescription drugs under Medicare.

If my colleagues care about education and strengthening our local schools, and I find that that is a priority in the south suburbs of Chicago, as well as the city, everyone wants better schools and wants Congress to support our local schools, both public and private, and I am proud to say that, under our balanced budget, we increase funding for education by almost 10 percent and we make special education a priority, targeting waste and fraud, and ensuring that savings goes into the classroom to help our young people.

And if you care about health care and if you are anxious that we find a cure for cancer and other life-threatening diseases, I am proud to say that our balanced budget increases funding for basic research, seeking cures for cancer, Alzheimer's, AIDS, and diabetes.

Last, as I mentioned earlier, when it comes to our Nation's defense, we want

a safer world. And that is why defense is a priority under our balanced budget.

I would like to take a few minutes now just to talk about some specific items on our agenda of strengthening our local schools, making the Tax Code more fair, paying down the national debt, and strengthening Medicare and Social Security, by just talking about a couple items of tax fairness, a couple of items that means so much to millions of Americans. I am proud to say that this House, under the leadership of the gentleman from Illinois (Mr. HASTERT) has acted on the need to bring fairness to our Tax Code.

I would like to take a minute and introduce a couple from my district, Shad and Michelle Hallihan. They are public school teachers in Joliet, Illinois. Shad and Michelle are living in Joliet. They are in their mid to late twenties now. They just had a baby. And they, like 25 million married, working couples, suffer something called the marriage tax penalty.

I have often been asked in the union halls and VFW posts and coffee shops and grain elevators in the district that I represent, is it right, is it fair that under our Tax Code married, working couples, couples with two incomes where the husband and wife are both in the workforce, pay higher taxes just because they are married?

And that is true. And I agree, it is not right. In fact, for Shad and Michelle Hallihan, they suffer basically the average marriage tax penalty of $1,400. Now, here in Washington, there are folks that scoff and say, what is $1,400? No big deal, they probably do not need that money. But for Shad and Michelle, $1,400 is a washer and a dryer, it is a year's tuition at Joliet Junior College or community college in Joliet, it is 3 months of day-care at the local child care center if they want to use day-care for their newborn baby. It is real money for real people like Shad and Michelle.

I am proud to say that this House passed overwhelmingly H.R. 6, the Marriage Tax Elimination Act. It was supported by every Republican. I am proud to say that 48 Democrats broke out from under the pressure of their leadership and supported our effort to eliminate the marriage tax penalty. That was a great day as we work to bring tax fairness.

And it broke my heart, in fact it probably broke the heart of 28 million married, working couples when the Senate today was prevented from voting on the Marriage Tax Elimination Act. Unfortunately, Senate Democrats decided they were against eliminating the marriage tax penalty and they used parliamentary procedures to prevent our efforts to wipe out the marriage tax penalty for Shad and Michelle Hallihan from even coming up for a vote.

That is wrong. We want fairness for couples like Shad and Michelle Hallihan, working couples who suffer the marriage tax penalty. And there are 50 million individuals strong who suffer the marriage tax penalty. And today they are wondering why the Senate Democrats stood in the way and said no to eliminating the marriage tax penalty. That is wrong.

My hope is they will change their tune and join with us and make elimination of the marriage tax penalty a bipartisan priority. It breaks my heart that they stood in the way of eliminating the marriage tax penalty for people like Shad and Michelle Hallihan, two public school teachers in Joliet, Illinois, who, just because they are measure, suffer an almost $1,400 marriage tax penalty.

I am proud to say, though, that another effort, an effort that was spearheaded by the chairman of the Committee on Ways and Mean the gentleman from Texas (Mr. ARCHER) as well as the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, who during their entire careers in the House have called for elimination of a penalty that affects working seniors.

I have often had employers in the district that I represent who have been anxious to hire senior citizens to work in their store or their business and those seniors have said, I would like to but I am over 65, I am between the ages of 65 and 70. If I go to work for you, I will lose my social security.

When you think about that, today's seniors want to be active longer. They want to work longer. In many cases, their retirement savings and pension plans never worked out the way they had hoped. And so they want to work or need to work.

Unfortunately, if they made more than $17,000 a year, and that is not a lot of money today, but if they made more than $17,000 a year, they lost one out of every $3 of the Social Security benefits were taken away from them by the Social Security earnings limit penalty.

I am proud to say that this House and the Senate voted unanimously to adopt legislation spearheaded by the gentleman from Texas (Chairman ARCHER) and the gentleman interest Illinois (Mr. HASTERT) which wiped out the Social Security earnings limit so that seniors today can work after they reach the age of 65, can keep their Social Security benefits, particularly recognizing they already had a lifetime of working and had already contributed over a lifetime of Social Security and they got what they deserve thanks to our legislation.

I am proud to say that last Friday the President signed our bill. So the Social Security earnings penalty is gone. The legislation is retroactive, so it means that for seniors who have suffered the Social Security earnings limit penalty that, if they make more than $17,000 this year, they will be able to keep 100 percent of the Social Security benefits.

□ 2130

That is good news, and good news for our working senior citizens. In fact, there are 58,000 seniors in my home State of Illinois that will benefit from elimination of the Social Security earnings penalty.

I would also like to take a moment just to talk briefly about what is a big priority with many families in the district besides tax fairness. They also talk about the need to strengthen our local schools and ensure that our children today have the opportunity for a good quality education. We are in the 21st century and of course there is no better investment than ensuring that children today have an opportunity to learn and have the skills in today's new economy. Under the Republican balanced budget, we increase funding for education by 10 percent. We have several principles that we are reflecting with our agenda this year and implementing this balanced budget that increases funding for education by almost 10 percent. Of course we make children America's top priority by increasing investment in education. We increase our investment in special education to help the disadvantaged by making IDEA a priority. Principle number two is we believe that children have a right to learn in drug-free, nonviolent schools. That is why we passed legislation this week to increase enforcement of gun laws with the passage of Project Exile which establishes mandatory minimum sentencing for those who commit crimes and use guns to commit crimes. We also intensify America's war on drugs, the crippling disease that poses such a danger to America's future. In fact we passed legislation, a special appropriations of $1.2 billion of extra money to fight the war on drugs and keep more drugs from coming into our country. We also believe that children need teachers and schools and programs that demand and meet high standards. Of course this House has passed legislation which provides increased accountability for local schools to raise test scores and graduation rates, passage and enactment of Straight As legislation. I know the Senate will be taking up this legislation soon. We increase investment in teacher training to improve discipline and education quality with the Teacher Empowerment Act which we passed this past year. We also target waste, fraud and abuse in the bureaucracy known as the Department of Education. Of course we want to make sure that those dollars are saved and put back into the classroom to help children learn. Last, our fourth principle is that children must be better prepared. We have a new economy and as the chairman of the Federal Reserve noted, one-third of all the new jobs that have been created in the last 5 years have been generated by technology. So clearly if we want our young people, the children today as well as our adults who are making changes in their careers to be ready to find good-paying

jobs in today's new economy, we want to ensure that they understand technology and know how to use technology in the workplace and at home. That is why we work to give parents the right to save money for educational opportunities for their child by expanding education savings accounts. That is why we want to ensure that education savings accounts can be used for elementary and secondary students, grade school and junior high and high school students so they can hire tutors, take special classes and, of course, maybe buy a better textbook or maybe attend private or parochial school. That is a choice our parents should be able to make. We also work to expand access to student loans by increasing the maximum Pell grant award for low-income students who qualify. I am proud to say that in the last 5 years, we have more than doubled the amount of the Pell grants for low-income students and today the Pell grant for low-income students is at its highest level ever in history. We also are working to give private companies incentives to donate technology to schools. Many schools, whether poor or rich, vary in their technology that is available, the type of computers, the type of equipment in the vocational programs and of course the business community should be given an incentive to donate surplus equipment, the latest technology they can provide to our local schools to help ensure that our school children have access and understand today's technology. That is why I want to draw attention to legislation that I introduced today to help address what some call the digital divide. I find that many educators, teachers and school administrators and school board members back in Illinois, in the areas that I represent in the city and the south suburbs and rural areas tell me they notice a difference in the abilities and how students are able to perform in the classroom between those who have access to computers at home and those who do not. So that is a challenge. How can we encourage our young people to have access to computers and learn how to use the Internet at home and be ready for the workplace. I am proud to say that several companies, including one which is a major employer in the district that I represent, I have two Ford auto plants, the Chicago Heights stamping plant and the Hegwish Taurus plant in the south side of Chicago are both in the district that I represent, they provide thousands of jobs. Ford is one of those companies that has taken the lead in providing computers and subsidized Internet access for their employees. If we think about that, that is pretty exciting, that everyone, universal access to computers and Internet access for the guy that pushes the broom on the shop floor, the janitor, the person working on the assembly line, the middle manager in the office, all the way up to the CEO, all have universal access under Ford's program. American Airlines, Delta and Intel are also implementing these programs. I commend those employers for what they are doing, providing digital opportunity for families. Because of the efforts of companies such as Ford and American and Delta and Intel, the children of their employees will have computers at home helping them do their homework and making plans. Of course also families can now stay in touch with their friends and relatives all over the world via the Internet thanks to their employers. It is a good idea, something we want to encourage and support. I was shocked to learn that after this was implemented by these employers that it was discovered that the employees were going to suffer a higher tax. They were going to be taxed by the Treasury Department because they were given a computer and subsidized Internet access by their employers and that the IRS wanted to count that as income and raise taxes on that laborer who works pushing the broom on the shop floor at the Ford Taurus plant or the janitor or the middle manager or the person who works on the line. Now, when we think about it, other benefits provided by employers like Ford, their contribution to the employees' pension fund or their contribution to their employees' health care coverage under our Tax Code is not considered a taxable employee benefit. It is tax free. You as a worker, we all as workers are not taxed for our employer's contribution to our pension, but unfortunately today's Tax Code would tax that Ford auto plant worker in Chicago Heights, Illinois if he or she decides to take that computer home and hook it up so they have Internet access provided through their employer. I am proud to say that today we introduced the Data Act, legislation which I have been joined in sponsoring by the gentleman from Georgia (Mr. LEWIS), a Democrat on the Committee on Ways and Means, I am a Republican on the Committee on Ways and Means, it is a bipartisan initiative. Of course the Data Act, our goal is to eliminate that digital divide, to create digital unity and digital opportunity by ensuring that that Ford auto plant worker at the Hegwish Taurus plant does not have to pay higher taxes because they are given a computer and Internet access when their employer wants to help eliminate the digital divide as we work to provide digital opportunity. This is important legislation. I believe it deserves bipartisan support. My hope is this legislation which will help improve educational opportunity as well as digital opportunity for families, millions of families in America, will receive bipartisan support. I invite my colleagues to join with the gentleman from Georgia and myself to join us in a bipartisan effort to wipe out the digital divide, to provide digital opportunity and ensure that every working American, every working family has universal access to computers and the digital divide.

We have some big challenges before us. I am proud to say that this Congress for the fourth year in a row is going to balance the budget again. We are going to live within our means. I remember being called a radical in 1995 because I wanted to balance the budget. I had friends on the other side of the aisle who said that we were extreme and radical because we wanted to balance the budget. I remember those days. Now everybody takes credit for it. But the bottom line is over the last 6 years, we have changed how Washington works. I am really proud of that, proud to say that we balanced the budget for the first time in 28 years and 3 years later we are going to balance it for the fourth year in a row. We have all this extra money in the surplus that we are arguing over what to do with it. That is progress. We cut taxes for the middle class for the first time in 16 years. Not since Ronald Reagan was President had the middle class received a tax cut to help them keep more of what they earned. As I pointed out earlier, 3 million Illinois children qualify for that $500 per child tax credit. That is $1.5 billion that stays in the Land of Lincoln rather than coming to the District of Columbia to be spent here. I am proud to say that our effort to change how welfare fails. I remember in 1994 more children were living in poverty than ever before. We had higher rates of teenage illegitimacy than ever before. Our welfare system was failing. I am proud to say our efforts to emphasize work and family and responsibility and give States like my home State of Illinois the flexibility and discretion to design welfare programs that meet the needs of the diverse communities that we represent, because we have to recognize that Idaho is different than New York and South Dakota is different than Florida and Chicago is different than Gary, Indiana. I am proud to say that this welfare reform is working, cutting welfare rolls in half and moving millions of Americans into the workplace. We stopped the raid on Social Security. We are paying down the national debt. That is progress. When we think about it, under the Republican balanced budget, we protect 100 percent of the Social Security surplus, walling off the Social Security trust fund. We stopped the raid last year. We are going to protect that Social Security surplus again this year and we will continue fighting into the future to ensure that America's retirement account is protected. We want to strengthen Medicare by modernizing Medicare for the 21st century and that includes providing prescription drug coverage for America's seniors. That is why we allocate $40 billion, frankly more than the President, and without the President's Medicare cuts, in order to provide prescription drug coverage for our seniors. We plan to pay off the Nation's public debt by the year 2013. When we think about it, it is kind of like refinancing your home mortgage. You used to have a 30-year

mortgage, now we have refinanced it to less than a 15-year mortgage. We are going to pay it off a lot quicker under our balanced budget. We promote tax fairness for families and children and seniors and farmers and small businesspeople. And we eliminate the marriage tax penalty. We wiped out the Social Security earnings penalty. That will help millions of families like the Hallihans. That is again why we want to eliminate that marriage tax penalty so that Shad and Michelle can keep that $1,400 and spend it back home in Joliet on their family's needs. When we think about it, $1,400, they have a new baby, that is almost 4,000 diapers that the Hallihans could have spent back in Joliet, Illinois. That is probably a year's worth that they could have used to take care of their child. We strengthen America's defense. We also strengthen support for education and science.

Ladies and gentlemen, we have made a lot of progress, balancing the budget, cutting taxes for the middle class, reforming our welfare system, paying down the national debt, stopping the raid on Social Security. Those are great achievements. I am proud of that. This year we are going to continue that effort, our effort to strengthen Social Security and Medicare to help our local schools, to bring fairness to the tax code and to pay off that credit card by paying down the national debt.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. BLILEY (at the request of Mr. ARMEY) for today after 2 p.m. on account of attending a meeting of the board of regents of the University of Virginia.

Mr. LUCAS of Oklahoma (at the request of Mr. ARMEY) for today after 6:45 p.m. on account of official business.

Mr. COOKSEY (at the request of Mr. ARMEY) for today after 5 p.m. on account of his mother's illness.

SPECIAL ORDERS GRANTED

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

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

Mr. KLECZKA, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

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

Mr. WELDON of Florida, for 5 minutes, today.

Mr. SMITH of Texas, for 5 minutes, today.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 40. Joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 41. Joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 42. Joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

ENROLLED BILL SIGNED

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

H.R. 1658. An act to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

ADJOURNMENT

Mr. WELLER. Mr. Speaker, pursuant to House Concurrent Resolution 303, 106th Congress, and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. TANCREDO). Pursuant to the provisions of House Concurrent Resolution 303, 106th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, May 2, 2000, for morning hour debates.

Thereupon (at 9 o'clock and 45 minutes p.m.), pursuant to House Concurrent Resolution 303, the House adjourned until Tuesday, May 2, 2000, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

7106. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule— Termination of Designation of the State of Minnesota with Respect to the Inspection of Poultry and Poultry Products [Docket No. 99–059DF] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7107. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Zinc Phosphide; Extension/Amendment of Tolerance for Emergency Exemptions [OPP–300975; FRL–6489–8] (RIN: 2070–AB78) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7108. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Furilazole; Time-Limited Pesticide Tolerance [OPP–300968; FRL–6490–3] (RIN: 2070–AB78) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acrylic Graft Copolymer, Polyester Block Copolymer and Polyester Random Copolymer; Tolerance Exemption [OPP–300970; FRL–6490–7] (RIN: 2070–AB78) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7110. A letter from the Deputy Director, Defense Research and Engineering, Department of Defense, transmitting the Annual Report of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

7111. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Information Collection Approval; Technical Amendment to the Affordable Housing Program Rule [No. 2000–05] (RIN: 3069–AA93) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7112. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Information Collection Approval; Technical Amendment to Community Support Requirements Rule [No. 2000–04] (RIN: 3069–AA95) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7113. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions; Statutory Lien—received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7114. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Supervisory Committee Audits and Verifications—received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7115. A letter from the Chairperson, National Council On Disability, transmitting a report entitled, ''Back to School on Civil Rights: Advancing the Federal Commitment to Leave No Child Behind''; to the Committee on Education and the Workforce.

7116. A letter from the Secretary of Education, transmitting the Twenty-first Annual Report on the Implementation of the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

7117. A letter from the Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting the Department's final rule—Classified Information Systems Security Manual [DOE M 471.2–2] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7118. A letter from the Assistant General Counsel for Regulatory Law, Office of Nonproliferation and National Security, Department of Energy, transmitting the Department's final rule—Control and Accountability of Nuclear Materials [DOE O. 474.1] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7119. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implemenation Plan, Indiana [IN118–1a; FRL 6538–5] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7120. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 231–0206a; FRL–6540–6] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7121. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 181–0224; FRL–6541–9] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7122. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Georgia [GA51–200011a; FRL–6541–5] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Correction [Region VII Tracking No. 089–1089; FRL–6518–7] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7124. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Childhood Blood-Lead Screening and Lead Awareness (Educational) Outreach for Indian Tribes; Notice of Funds Availability [OPPTS–00288; FRL–6491–2] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Unregulated Contaminant Monitoring Regulation for Public Water Systems; Analytical Methods for Perchlorate and Acetochlor; Announcement of Laboratory Approval and Performance Testing (PT) Program for the Analysis of Perchlorate [FRL–6544–6] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7126. A letter from the Administrator, Agency For International Development, transmitting the 1999 Agency Performance Report; to the Committee on Government Reform.

7127. A letter from the President, Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting the consolidated report on accountability and proper management of Federal Resources as required by the Inspector General Act and the Federal Fiancial Manager's Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

7128. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7129. A letter from the Administrator, General Services Administration, transmitting the Annual Performance Report in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7130. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Boham, TX [Airspace Docket No. 99–ASW–34] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7131. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Russian Mission, AK [Airspace Docket No. 99–AAL–17] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7132. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Multiple Federal Airways in the Vicinity of Bellingham, WA [Airspace Docket No. 99–ANM–13] (RIN: 2120–AA66) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7133. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Grand Forks AFB, ND [Airspace Docket No. 99–AGL–56] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7134. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Connersville, IN [Airspace Docket No. 99–AGL–55] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7135. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Atmore, AL [Airspace Docket No. 99–ASO–29] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7136. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Lake Jackson, TX [Airspace Docket No. 99–ASW–27] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7137. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carrizo Springs, TX [Airspace Docket No. 99–ASW–29] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7138. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Del Rio, TX [Airspace Docket No. 99–ASW–31] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7139. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Artesia, NM [Airspace Docket No. 99–ASW–30] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7140. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Uvalde, TX [Airspace Docket No. 2000–ASW–04] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7141. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Port Lavaca, TX [Airspace Docket No. 2000–ASW–03] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Jasper, TX [Airspace Docket No. 2000–ASW–05] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400 and -500 Series Airplanes [Docket No. 99–NM–47–AD; Amendment 39–11416; AD 99–23–20] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7144. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Hurricane Floyd Property Acquisition and Relocation Grants (RIN: 3067–AD06) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7145. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Foreign Acquisition (Part 1825 Rewrite)—received February 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7146. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—March 2000 Applicable Federal Rates [Rev. Ruling 2000–11] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7147. A letter from the Secretary of Health and Human Services, transmitting the notification that the Department of Health and Human Services is allotting emergency funds made available under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 to all states, territories and tribes; jointly to the Committees on Education and the Workforce and Commerce.

7148. A letter from the Deputy Executive Secretary, Center for Health Plans and Providers, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Medicare Inpatient Disproportionate Share Hospital

(DSH) Adjustment Calculation: Change in the Treatment of Certain Medicaid Patient Days in States with 1115 Expansion Waivers [HCFA–1124–IFC] (RIN: 0938–AJ92) received February 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

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. SMITH of Texas: Committee on the Judiciary. H.R. 3244. A bill to combat trafficking of persons, especially into the sex-trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; with an amendment (Rept. 106–487, Pt. 2). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. House Resolution 443. Resolution expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa; with an amendment (Rept. 106–582). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1509. A bill 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 (Rept. 106–583). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2932. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; with an amendment (Rept. 106–584). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3293. A bill to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; with an amendment (Rept. 106–585). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1901. A bill to designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station'' (Rept. 106–586). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1729. A bill to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall'' (Rept. 106–587). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1571. A bill to designate the Federal building under construction at 600 State Street in New Haven, Connecticut, as the ''Merrill S. Parks, Jr., Federal Building'' (Rept. 106–588). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1405. A bill to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building'' (Rept. 106–589). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3171. A bill to direct the Administrator of General Services to convey a parcel of land in the District of Columbia to be used for construction of the National Health Museum, and for other purposes; with amendments (Rept. 106–590). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3069. A bill to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia; with an amendment (Rept. 106–591). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE 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. HYDE: Committee on the Judiciary. H.R. 3646. A bill for the relief of certain Persian Gulf evacuees (Rept. 106–580). Referred to the Private Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 3363. A bill for the relief of Akal Security, Incorporated, (Rept. 106–581). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PAUL:

H.R. 4265. A bill to amend the Internal Revenue Code of 1986 to waive the employee portion of Social Security taxes imposed on individuals who have been diagnosed as having cancer or a terminal disease; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. MARKEY, Mr. BEREUTER, Mr. KUCINICH, Mr. COX, Mr. SPENCE, and Mr. KNOLLENBERG):

H.R. 4266. A bill to amend the North Korea Threat Reduction Act of 1999 to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea; to the Committee on International Relations.

By Mr. HYDE (for himself, Mr. CONYERS, Mr. GEKAS, and Mr. NADLER):

H.R. 4267. A bill to amend the Internet Tax Freedom Act to impose a permanent moratorium on State and local taxes on Internet access; to extend for 5 years the duration of the moratorium applicable to multiple and discriminatory taxes on the electronic commerce; to impose a 5-year moratorium on sales of digitized goods and products (and their counterparts); to encourage States to adopt a Uniform Sales and Use Tax, and for other purposes; to the Committee on the Judiciary.

By Mr. STUMP (for himself, Mr. EVANS, Mr. QUINN, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. SPENCE, Mr. DOYLE, Mr. EVERETT, Ms. CARSON, Mr. BUYER, Mr. REYES, Mr. STEARNS, Mr. SNYDER, Mr. MORAN of Kansas, Mr. RODRIGUEZ, Mr. HAYWORTH, Mrs. CHENOWETH-HAGE, Mr. LAHOOD, Mr. HANSEN, Mr. MCKEON, Mr. GIBBONS, Mr. SIMPSON, and Mr. BAKER):

H.R. 4268. A bill to amend title 38, United States Code, to increase amounts of educational assistance for veterans under the Montgomery GI Bill and to enhance programs providing educational benefits under that title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas:

H.R. 4269. A bill to extend for one year the authorization for the visa waiver pilot program under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr. UPTON, Mr. DINGELL, Mr. LEVIN, Mr. TOWNS, and Mr. KNOLLENBERG):

H.R. 4270. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production, sale, and use of highly fuel-efficient, advanced-technology motor vehicles and to amend the Energy Policy Act of 1992 to undertake an assessment of the relative effectiveness of current and potential methods to further encourage the development of the most fuel efficient vehicles for use in interstate commerce in the United States; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mrs. BIGGERT, Mr. BOEHLERT, Mr. BRADY of Texas, Mr. COOK, Mr. GILCHREST, Mr. GILMAN, Mr. HOLT, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUYKENDALL, Mr. PORTER, Mrs. ROUKEMA, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. UPTON, and Mrs. WILSON):

H.R. 4271. A bill to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, 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. EHLERS (for himself, Mrs. BIGGERT, Mr. BOEHLERT, Mr. BRADY of Texas, Mr. COOK, Mr. GILCHREST, Mr. GILMAN, Mr. HOLT, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUYKENDALL, Mr. PORTER, Mrs. ROUKEMA, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. UPTON, and Mrs. WILSON):

H.R. 4272. A bill to amend the Elementary and Secondary Education Act of 1965 to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EHLERS (for himself, Mrs. BIGGERT, Mr. BOEHLERT, Mr. BRADY of Texas, Mr. COOK, Mr. GILCHREST, Mr. GILMAN, Mr. HOLT, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUYKENDALL, Mr. PORTER, Mrs. ROUKEMA, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. UPTON, and Mrs. WILSON):

H.R. 4273. A bill to amend the Internal Revenue Code of 1986 to encourage stronger math and science programs at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. LEWIS of Georgia, Mr. WATKINS, Mr. SESSIONS, Mrs. WILSON, Mr. CAMPBELL, and Mr. NEAL of Massachusetts):

H.R. 4274. A bill to amend the Internal Revenue Code of 1986 to provide that computers provided to employees for personal use are a nontaxable fringe benefit; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself and Mr. HEFLEY):

H.R. 4275. A bill to establish the Colorado Canyons National Conservation Area and the

Black Ridge Canyons Wilderness, and for other purposes; to the Committee on Resources.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. FRANKS of New Jersey, and Mr. WISE) (all by request):

H.R. 4276. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Virginia:

H.R. 4277. A bill to provide that the same health insurance premium conversion arrangements afforded to employees in the executive and judicial branches of the Government be made available to Federal annuitants, individuals serving in the legislative branch of the Government, and members and retired members of the uniformed services; to the Committee on Government Reform, and in addition to the Committees on House Administration, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself, Mr. BLUNT, Mr. DINGELL, Mrs. JOHNSON of Connecticut, Mr. STENHOLM, Mr. BOEHLERT, Mr. GILCHREST, Ms. DANNER, Mr. ENGLISH, Mr. JOHN, and Mr. SAXTON):

H.R. 4278. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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. WELLER (for himself, Mr. DAVIS of Virginia, Mr. TAUZIN, Ms. DUNN, Mr. GOODLATTE, Mrs. MORELLA, Mr. CHAMBLISS, Mr. SWEENEY, and Mr. ISAKSON):

H.R. 4279. A bill to amend the Internal Revenue Code of 1986 to allow all computers to be expensed; to the Committee on Ways and Means.

By Mr. ISTOOK (for himself, Mr. BEREUTER, Ms. BERKLEY, Mr. CANNON, Mr. CLYBURN, Mrs. CUBIN, Mr. DEMINT, Mr. DICKEY, Mr. GRAHAM, Mr. HANSEN, Mr. HILL of Montana, Mr. JACKSON of Illinois, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MCCRERY, Mr. PICKERING, Mr. POMEROY, Mr. ROGERS, Mr. SANDERS, Mr. SPENCE, Mr. SPRATT, Mr. TERRY, Mr. WATKINS, and Mr. WICKER):

H.R. 4280. A bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research; to the Committee on Commerce.

By Mr. CALVERT (for himself, Mr. LANTOS, Mr. BROWN of Ohio, Mr. CAMPBELL, Mrs. CAPPS, Mr. COSTELLO, Mr. DELAHUNT, Mr. DEUTSCH, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. GILCHREST, Mr. GILMAN, Mr. GOSS, Mr. HORN, Mr. HYDE, Mr. MARKEY, Mr. GARY MILLER of California, Mr. PALLONE, Mr. PORTER, Mr. QUINN, Ms. RIVERS, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WAXMAN, Mr. WELDON of Pennsylvania, and Ms. WOOLSEY):

H.R. 4281. A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectivness; to the Committee on Commerce.

By Mr. BILBRAY (for himself and Mr. HUNTER):

H.R. 4282. A bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal aliens and for emergency health services furnished to undocumented aliens; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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

H.R. 4283. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for the remediation of sediment contamination in certain areas of concern in the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. GIBBONS, and Ms. DELAURO):

H.R. 4284. A bill to provide for the establishment of an Amateur Sports Illegal Gambling Task Force; to increase penalties for illegal sports gambling; and to study illegal sports gambling behavior among minor persons; to the Committee on the Judiciary.

By Mr. TURNER:

H.R. 4285. A bill to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes; to the Committee on Agriculture.

By Mr. BACHUS:

H.R. 4286. A bill to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama; to the Committee on Resources.

By Mr. BAIRD:

H.R. 4287. A bill to establish a direct loan program for less-than-half-time students to improve their job skills, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. STRICKLAND, Mr. DINGELL, and Mr. SAWYER):

H.R. 4288. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP (for himself, Mr. SHERMAN, Mr. LEACH, Mr. LAFALCE, Mr. BACHUS, Ms. WATERS, Mr. GIBBONS, Mr. LEWIS of Georgia, Mr. HILLIARD, Mr. SANDLIN, Mr. TURNER, Mr. FROST, Mr. WAXMAN, Ms. DANNER, Mr. SISISKY, Mr. MCDERMOTT, Mr. SABO, Mr. CAPUANO, Mr. FORBES, Mr. EVANS, Mr. FILNER, Mr. MEEKS of New York, Mr. MCNULTY, Mr. KUCINICH, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, Mr. SKELTON, Mr. JOHN, Ms. HOOLEY of Oregon, Ms. DEGETTE, Mr. MINGE, Mr. UDALL of Colorado, Mr. PHELPS, Mr. CUMMINGS, Mr. TOWNS, Ms. NORTON, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. DEAL of Georgia, Ms. KILPATRICK, Mr. WYNN, Ms. CARSON, Mr. BACA, Mrs. CLAYTON, Mr. MOORE, Ms. BROWN of Florida, Mr. COLLINS, Mr. CHAMBLISS, Mr. BARR of Georgia, Mr. KINGSTON, Mr. ISAKSON, Ms. MCKINNEY, Mr. WATT of North Carolina, Mr. GEORGE MILLER of California, Mr. FALEOMAVAEGA, Mrs. JONES of Ohio, Mr. GEPHARDT, Mr. DELAY, Mr. OWENS, and Mr. LINDER):

H.R. 4289. A bill to authorize the President to present a gold medal on behalf of the Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation; to the Committee on Banking and Financial Services.

By Mr. CAMPBELL (for himself, Mr. PAYNE, Mr. HORN, Mr. LAHOOD, Ms. SANCHEZ, Mr. DEAL of Georgia, Mr. WAXMAN, Mr. NORWOOD, Mr. TOWNS, Mr. GREENWOOD, Mr. FALEOMAVAEGA, Mr. GRAHAM, Mr. SANDERS, Mr. CAMP, Ms. BALDWIN, Mrs. BONO, Mr. NADLER, Ms. WATERS, Mr. KIND, Mr. BALDACCI, Mr. TIERNEY, Mrs. MINK of Hawaii, Mr. SCOTT, Mr. KILDEE, Mr. FORD, Mr. DIXON, Ms. WOOLSEY, Mr. WALSH, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. MCKINNEY, Mr. METCALF, Mr. DELAHUNT, Ms. LOFGREN, Mr. LANTOS, and Mr. BAIRD):

H.R. 4290. A bill to amend the Higher Education Act of 1965 to qualify public defenders for student loan forgiveness under the Federal Perkins Loan program; to the Committee on Education and the Workforce.

By Mr. CAMPBELL:

H.R. 4291. A bill to amend title 13, United States Code, to provide that decennial census questionnaires be limited to the basic questions needed to allow for an enumeration of the population, as required by the Constitution of the United States; to the Committee on Government Reform.

By Mr. CANADY of Florida:

H.R. 4292. A bill to protect infants who are born alive; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. TALENT, and Mr. THOMPSON of California):

H.R. 4293. A bill to amend title 18, United States Code, with respect to the employment of persons with criminal backgrounds by nursing homes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN:

H.R. 4294. A bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax for estates in bankruptcy; to the Committee on Ways and Means.

By Ms. CARSON (for herself and Mr. BURTON of Indiana):

H.R. 4295. A bill to suspend temporarily the duty on Fluridone aquatic herbicide; to the Committee on Ways and Means.

By Mr. CHAMBLISS (for himself, Mr. YOUNG of Alaska, Mr. PETERSON of Minnesota, Mr. THOMPSON of California, Mr. PICKERING, Mr. CALLAHAN, Mr. HAYES, Mr. NORWOOD, Mr. ISAKSON, Mr. DEAL of Georgia, Mr. EVERETT, Mr. STUMP, Mr. BISHOP, Mr. CRAMER, Mr. PHELPS, Mr. BOYD, Mr. RILEY, Mr. BARR of Georgia, Mr. KINGSTON, Mr. ADERHOLT, Mr. TAUZIN, Mr. SHOWS, and Mr. HALL of Texas):

H.R. 4296. A bill to amend the Migratory Bird Treaty Act to restore certain penalties under that Act; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 4297. A bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in common areas of the Powder River Basin, Wyoming and Montana, and for other purposes; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 4298. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; to the Committee on Resources.

By Mr. DEAL of Georgia:

H.R. 4299. A bill to require Federal agencies responsible for managing Federal lake projects to pursue strategies for enhancing recreational experiences of the public at such lakes, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself and Mr. FRANK of Massachusetts):

H.R. 4300. A bill to increase burdensharing for the United States military presence in the Persian Gulf region; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. BURTON of Indiana, Mr. WEXLER, Mr. SHERMAN, and Mr. HALL of Ohio):

H.R. 4301. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to the distribution chain of prescription drugs; to the Committee on Commerce.

By Mr. ENGEL (for himself, Mr. KING, Mr. CROWLEY, Mr. NADLER, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. FORBES, and Mrs. MALONEY of New York):

H.R. 4302. A bill to authorize a project for the renovation of the Department of Veterans Affairs medical center in Bronx, New York; to the Committee on Veterans' Affairs.

By Mr. EWING (for himself, Mr. SHIMKUS, Mr. WELLER, Mr. LAHOOD, Mr. MCINTOSH, Mr. LIPINSKI, Mr. MANZULLO, and Mr. PHELPS):

H.R. 4303. A bill to prohibit the use of, and provide for remediation of water contaminated by, methyl tertiary butyl ether; to the Committee on Commerce.

By Mr. FRANK of Massachusetts:

H.R. 4304. A bill to amend the Higher Education Act of 1965 to provide for the forgiveness of Perkins loans to members of the armed services on active duty; to the Committee on Education and the Workforce.

By Mr. FROST:

H.R. 4305. A bill to amend the Fair Labor Standards Act of 1938 to require an employer to notify the parent or guardian of an employee who is under the age of 18 or handicapped and who works at the same facility as an individual who has a criminal record that includes a conviction for a crime of violence; to the Committee on Education and the Workforce.

By Mr. GEJDENSON (for himself, Mr. BEREUTER, Mr. PORTER, Mr. BERMAN, Mr. ACKERMAN, Mr. HASTINGS of Florida, and Mrs. LOWEY):

H.R. 4306. A bill to provide for commercial and labor rule of law programs in the People's Republic of China to enhance rationality and accountability in the administration of justice in the commercial area, strengthen labor rights protection, and lay the intellectual and institutional groundwork for further reforms; to the Committee on International Relations.

By Mr. GOODLING:

H.R. 4307. A bill to reduce the reading deficit in the United States by applying the findings of scientific research in reading instruction to all students who are learning to read the English language and to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Education and the Workforce.

By Mr. HERGER (for himself, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. RANGEL, and Mr. WATKINS):

H.R. 4308. A bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 4309. A bill to make supplemental appropriations for fiscal year 2000 to enable the Inspector General of the Corporation for National and Community Service to conduct reviews and audits of the State Commissions on National and Community Service; to the Committee on Appropriations.

By Mr. HOEKSTRA:

H.R. 4310. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month), in order to provide such individual's family with assistance in meeting the extra death-related expenses; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon (for herself, Mr. LATOURETTE, Mr. LAFALCE, Mr. BENTSEN, Mr. HILL of Montana, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. NEY, Mr. METCALF, Mr. SANDLIN, Ms. CARSON, Mr. MOORE, and Mr. ACKERMAN):

H.R. 4311. A bill to prevent identity fraud in consumer credit transactions and credit reports, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. JOHNSON of Connecticut (for herself and Mr. OLVER):

H.R. 4312. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4313. A bill to provide an additional increase in military basic pay for enlisted members of the uniformed services in pay grades E–5, E–6, or E–7; to the Committee on Armed Services.

By Mr. KANJORSKI (for himself, Mr. GEKAS, Mr. HOLDEN, and Mr. SHERWOOD):

H.R. 4314. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to holders of bonds issued to finance land and water reclamation for the anthracite region of Pennsylvania, and for other purposes; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Mr. HALL of Ohio, Mr. HOBSON, Mr. KUCINICH, Mr. NEY, and Mr. TRAFICANT):

H.R. 4315. A bill to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the ''Larry Small Post Office Building''; to the Committee on Government Reform.

By Mr. LEWIS of Georgia:

H.R. 4316. A bill to amend the Internal Revenue Code of 1986 to exclude United States savings bond income from gross income if used to pay long-term care expenses; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 4317. A bill to amend the Hate Crime Statistics Act to require the Attorney General to acquire data about crimes that manifest evidence of prejudice based on gender; to the Committee on the Judiciary.

By Mr. MCCRERY:

H.R. 4318. A bill to establish the Red River National Wildlife Refuge; to the Committee on Resources.

By Mr. MCGOVERN (for himself, Mr. SMITH of New Jersey, Mr. WEYGAND, and Mr. KENNEDY of Rhode Island):

H.R. 4319. A bill to continue the current prohibition of military relations with and assistance for the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions with respect to East Timor are being met; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. HOLT, Mr. UDALL of Colorado, Mr. FARR of California, Mr. VENTO, and Mrs. MORELLA):

H.R. 4320. A bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; to the Committee on Resources.

By Mr. MINGE (for himself, Mr. DEFAZIO, and Mr. HINCHEY):

H.R. 4321. A bill to amend the Sherman Act, the Clayton Act, and the Packers and Stockyards Act, 1921 with respect of competition among wholesale purchasers; to establish a commission to review large agriculture mergers, concentration, and market power, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii (for herself and Mr. ABERCROMBIE):

H.R. 4322. A bill to amend the Internal Revenue Code of 1986 to exempt certain helicopter uses from ticket taxes; to the Committee on Ways and Means.

By Mrs. NORTHUP:

H.R. 4323. A bill to require a comprehensive effort by the Department of Education and the National Institute on Child Health and Human Development to widely disseminate the results of the National Reading Panel report to teachers, parents, and universities; to the Committee on Education and the Workforce.

By Mr. PETERSON of Minnesota (for himself, Mr. EWING, Mr. LATHAM, Mr. THOMPSON of California, Mr. CONDIT, and Mr. HUNTER):

H.R. 4324. A bill to amend the Internal Revenue Code of 1986 to increase the estate and gift tax unified credit to an exclusion equivalent of $2,500,000 and to reduce the rate of the estate and gifts taxes to the generally applicable capital gains income tax rate; to the Committee on Ways and Means.

By Mr. PITTS (for himself and Mr. HAYES):

H.R. 4325. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to allow retirement benefits received by members of religious orders to be exempt from Social Security tax by including retirement plans established by such orders in the definition of ''church plan''; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. PORTER:

H.R. 4326. A bill to extend the temporary suspension of duty on Diiodomethyl-p-tolylsulfone; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 4327. A bill to extend the temporary suspension of duty on B-Bromo-B-nitrostyrene; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Mr. TANNER, Mr. LEWIS of Kentucky, Mr. BUYER, and Mr. TAYLOR of Mississippi):

H.R. 4328. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States; to the Committee on Ways and Means.

By Mr. SALMON (for himself, Mr. RAMSTAD, and Mr. MCHUGH):

H.R. 4329. A bill to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 4330. A bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening pap smears, screening pelvic exams, and clinical breast exams under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself and Ms. KAPTUR):

H.R. 4331. A bill to provide for the issuance of patents for the Generalized System of Preference (GSP) countries with a Letter of Agreement with the U.S. through a program establishing an International US/GSP Office in which the U.S. issues patents using U.S. standards that are valid under both U.S. and GSP law, to aid in creating captial for GSP countries through patents and innovation and to establish or enhance their patent system through U.S. expertise and training; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. HINCHEY, Ms. WATERS, and Mr. MARKEY):

H.R. 4332. A bill to protect consumers from exorbitant fees for basic financial services, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT:

H.R. 4333. A bill to provide for fairness and accuracy in student testing; to the Committee on Education and the Workforce.

By Mr. SHOWS (for himself, Mr. FILNER, Mr. BALDACCI, and Mr. BISHOP):

H.R. 4334. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SNYDER (for himself, Mr. COLLINS, Mr. THORNBERRY, and Mrs. THURMAN):

H.R. 4335. A bill to amend the Internal Revenue Code of 1986 to provide that hazardous duty pay of members of the Armed Forces shall not be taken into account in computing the earned income credit; to the Committee on Ways and Means.

By Ms. STABENOW:

H.R. 4336. A bill to amend the Internal Revenue Code of 1986 to increase the dependent care credit and to provide a minimum dependent care credit for stay-at-home parents; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4337. A bill to amend the customs laws of the United States relating to procedures with respect to the importation of merchandise; to the Committee on Ways and Means.

By Mr. THOMPSON of California:

H.R. 4338. A bill to restore the reservation lands of the Elk Valley Band of Indians of the Elk Valley Rancheria of California, and for other purposes; to the Committee on Resources.

By Mr. THUNE (for himself, Mr. HILL of Indiana, Mrs. EMERSON, Mr. NUSSLE, Mr. BOSWELL, Mr. PHELPS, and Mrs. CLAYTON):

H.R. 4339. A bill to prohibit excessive concentration resulting from mergers among certain purchasers, processors, and sellers of livestock, poultry, and basic agricultural commodities; to require the Attorney General to establish an Office of Special Counsel for Agriculture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mrs. CUBIN, and Mr. SKEEN):

H.R. 4340. A bill to simplify Federal oil and gas revenue distributions, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon:

H.R. 4341. A bill to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes; to the Committee on Resources.

By Mr. WATKINS (for himself and Mr. SAM JOHNSON of Texas):

H.R. 4342. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 4343. A bill to amend titles 18 and 28, United States Code, to inhibit further intimidation of public officials within the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITFIELD:

H.R. 4344. A bill to amend the Immigration and Nationality Act to prohibit H–2A workers from bringing law suits against employers except in the State in which the employer resides or has its principal place of business; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 4345. A bill to amend the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans, and for other purposes; to the Committee on Resources.

By Mr. GILMAN (for himself, Mr. SHERMAN, Mr. HASTERT, and Mr. GEJDENSON):

H. Con. Res. 307. Concurrent resolution expressing the sense of the Congress regarding the ongoing prosecution of 13 members of Iran's Jewish community; to the Committee on International Relations.

By Mr. CAMPBELL (for himself and Mr. LANTOS):

H. Con. Res. 308. Concurrent resolution expressing the sense of the Congress that the Federal Government, including government officials outside of the United States, should not purchase any goods made by forced labor, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, International Relations, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself and Mr. LAMPSON):

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with regard to in-school personal safety education programs for children; to the Committee on Education and the Workforce.

By Mr. ROEMER (for himself, Mr. UPTON, Mr. CASTLE, Mr. GOODLING, Mr. ALLEN, Mr. BURR of North Carolina, Mr. CUNNINGHAM, Mr. DEMINT, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. FLETCHER, Mr. HOEKSTRA, Mr. KIND, Mr. MCINTOSH, Mr. MORAN of Virginia, Mr. PETRI, Ms. SANCHEZ, Mr. SCHAFFER, and Mr. TANCREDO):

H. Con. Res. 310. Concurrent resolution supporting a National Charter Schools Week; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. ANDREWS, Mr. FRANKS of New Jersey, Mr. SMITH of New Jersey, and Mr. LOBIONDO):

H. Con. Res. 311. Concurrent resolution expressing the sense of Congress that the United States should continue to actively purse efforts to achieve a full accounting of all members of the Armed Forces who remain unaccounted for from previous conflicts, particularly the Korean War and the Vietnam War, and to continue and maintain programs and procedures for achieving a full accounting of all military personnel who become prisoners of war or missing in action in future conflicts; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mrs. MEEK of Florida, Mr. MCCOLLUM, Mr.

HASTINGS of Florida, Ms. ROS-LEHTINEN, Mrs. THURMAN, Mr. DAVIS of Florida, and Mr. STEARNS):

H. Con. Res. 312. Concurrent resolution expressing the sense of the Congress that the States should more closely regulate title pawn transactions and outlaw the imposition of usurious interest rates on title loans to consumers; to the Committee on Banking and Financial Services.

By Mr. BALDACCI:

H. Res. 477. A resolution expressing the sense of the House of Representatives regarding the disparity between identical prescription drugs sold in the United States, Canada, and Mexico; to the Committee on Commerce.

By Mr. MINGE (for himself, Mr. DEFAZIO, and Ms. BALDWIN):

H. Res. 478. A resolution providing for consideration of the bill (H.R. 773) to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and to make technical corrections; to the Committee on Rules.

By Mr. SANDERS (for himself, Mr. BROWN of Ohio, Mr. DEFAZIO, Mr. EVANS, Mr. KUCINICH, Ms. LEE, Ms. MCKINNEY, and Ms. WOOLSEY):

H. Res. 479. A resolution expressing the sense of the House of Representatives regarding global sustainable development, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H. Res. 480. A resolution urging the Attorney General to take no irrevocable action with respect to Elian Gonzalez until a hearing concerning an asylum application is held; to the Committee on the Judiciary.

By Ms. STABENOW:

H. Res. 481. A resolution congratulating the Michigan State University men's basketball team on winning the 1999–2000 NCAA Men's Basketball Championship; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

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

H.R. 8: Mr. BLAGOJEVICH.
H.R. 40: Mr. CLAY.
H.R. 65: Mr. CANADY of Florida.
H.R. 205: Mr. COOK.
H.R. 218: Mr. BOEHNER.
H.R. 252: Mr. SOUDER and Mr. LOBIONDO.
H.R. 303: Mrs. ROUKEMA.
H.R. 306: Mr. GILMAN, Mr. GANSKE, Mr. CONYERS, and Mr. FORBES.
H.R. 372: Mr. LIPINSKI.
H.R. 408: Mr. REGULA, Mr. DEAL of Georgia, Mr. WATKINS, and Mr. DELAHUNT.
H.R. 531: Mr. DIXON.
H.R. 534: Mr. CANNON.
H.R. 612: Mr. PASCRELL.
H.R. 626: Mr. BALDACCI.
H.R. 632: Mr. ENGEL.
H.R. 638: Mr. GREEN of Texas.
H.R. 664: Mr. BOYD.
H.R. 670: Mr. RAHALL, Mr. TANNER, and Mr. KINGSTON.
H.R. 689: Mr. LAMPSON.
H.R. 709: Mr. LANTOS.
H.R. 765: Mr. RADANOVICH, Ms. DANNER, Mr. TANNER, and Ms. BALDWIN.
H.R. 783: Mr. PHELPS and Mr. GILLMOR.
H.R. 816: Mr. GRAHAM.
H.R. 837: Mr. WATT of North Carolina.
H.R. 844: Mr. WEYGAND, Mrs. MYRICK, Mr. DICKS, Mr. BACA, Mr. GREEN of Texas, and Mr. STEARNS.
H.R. 864: Mr. GRAHAM.
H.R. 941: Mr. GOODLING.
H.R. 950: Mr. SAXTON.
H.R. 1020: Mr. BROWN of Ohio.
H.R. 1046: Mr. FORBES and Mr. ADERHOLT.
H.R. 1070: Mr. TANNER, Mr. VISCLOSKY, Mr. REYES, Mr. EWING, Mr. HOLT, Mr. SISISKY, Mr. MOORE, Mr. DOOLEY of California, and Mr. ORTIZ.
H.R. 1079: Mr. CLEMENT, Mr. FOLEY, Mr. TRAFICANT, Mr. WALSH, Mr. OWNES, Mr. ACKERMAN, Mrs. MEEK of Florida, Mr. MCGOVERN, and Mr. SMITH of Washington.
H.R. 1172: Mr. BOEHLERT, Mr. ISAKSON, Mr. MCGOVERN, and Mr. PHELPS.
H.R. 1194: Mr. PASTOR.
H.R. 1216: Mrs. CAPPS, Mrs. JONES of Ohio, and Mr. SMITH of New Jersey.
H.R. 1217: Mr. BOSWELL.
H.R. 1229: Mr. FORBES.
H.R. 1248: Mr. WU and Mr. SAXTON.
H.R. 1275: Mr. GOODLATTE.
H.R. 1285: Mr. GILCHREST.
H.R. 1303: Mrs. MALONEY of New York.
H.R. 1304: Mr. DINGELL.
H.R. 1311: Ms. DUNN.
H.R. 1322: Mr. BURTON of Indiana, Mr. MCHUGH, Mrs. KELLY, Mr. BONILLA, Mr. DELAY, Mr. SAM JOHNSON of Texas, Mr. TURNER, Mr. WALSH, Mr. SWEENEY, Mr. GREENWOOD, Ms. LOFGREN, Mr. DREIER, Mr. LOBIONDO, Mr. FOSSELLA, Mr. HYDE, and Mr. WICKER.
H.R. 1329: Mr. MARTINEZ.
H.R. 1366: Mr. UPTON, Mr. MCHUGH, Mr. KINGSTON, Mr. HULSHOF, Mr. CUNNINGHAM, Mr. CANADY of Florida, Mr. HOSTETTLER, Mr. RODRIGUEZ, Mr. GREEN of Wisconsin, Mr. ISAKSON, Mr. THORNBERRY, Mr. KING, Mr. FOLEY, Mr. NUSSLE, Mr. BOEHNER, Mr. FILNER, Mr. DIAZ-BALART, Mr. LATHAM, and Mr. HUTCHINSON.
H.R. 1456: Mr. HOEFFEL, Mr. MCGOVERN, Mr. BOSWELL, Mr. HAYES, and Ms. KAPTUR.
H.R. 1488: Mrs. BONO.
H.R. 1512: Mr. NADLER, Mr. LIPINSKI, Mr. CLAY, Mr. ENGEL, Mr. STARK, and Mr. WYNN.
H.R. 1515: Mr. COOK and Mr. KLINK.
H.R. 1523: Mr. HUNTER.
H.R. 1585: Mr. ANDREWS.
H.R. 1592: Mr. DELAY.
H.R. 1620: Mr. BASS.
H.R. 1621: Mr. CROWLEY.
H.R. 1739: Mr. WEINER.
H.R. 1775: Mr. FRANK of Massachusetts.
H.R. 1804: Mr. HINCHEY, Ms. CARSON, and Mr. GREEN of Texas.
H.R. 1816: Mrs. LOWEY and Mr. CONYERS.
H.R. 1865: Mr. KUYKENDALL, Mr. CAMPBELL, Ms. BERKLEY, and Mr. PASTOR.
H.R. 1885: Mr. MOORE and Mr. UDALL of Colorado.
H.R. 1943: Mr. UDALL of Colorado.
H.R. 1976: Mr. SHERMAN.
H.R. 2000: Mr. LAHOOD.
H.R. 2060: Mr. BACA and Mr. RUSH.
H.R. 2121: Mr. PALLONE.
H.R. 2250: Mr. ARMEY, Mr. DELAY, Mr. HALL of Texas, Mr. DUNCAN, Mr. SKEEN, Mr. DOOLITTLE, Mr. BRADY of Texas, Mr. HILL of Montana, Mr. SIMPSON, Mr. POMBO, Mr. WALDEN of Oregon, Mr. RADANOVICH, Mr. RILEY, Mr. SOUDER, Mr. TAUZIN, Mr. THORNBERRY, Mr. TANCREDO, Mr. CANNON, Mr. HANSEN, Mr. BARTON of Texas, Mr. BAKER, Mr. TERRY, Mrs. EMERSON, Mr. PACKARD, Mr. BACHUS, Mr. ISTOOK, Mr. BONILLA, Mr. STUMP, Mr. ROHRABACHER, Mrs. CHENOWETH-HAGE, Mr. OXLEY, Mr. HERGER, Mr. PICKERING, Mr. COMBEST, Mrs. CUBIN, Mr. REYNOLDS, Mr. HASTINGS of Washington, Mr. HAYWORTH, and Mr. WATKINS.
H.R. 2340: Mr. JACKSON of Illinois, Mr. BACA, Mr. BORSKI, and Mr. KLINK.
H.R. 2451: Mr. MCCOLLUM.
H.R. 2457: Mr. MALONEY of Connecticut.
H.R. 2511: Mr. HANSEN.
H.R. 2551: Mr. KIND, Ms. BALDWIN, Mr. HILL of Indiana, Mr. COYNE, Mr. PHELPS, and Mr. DAVIS of Virginia.
H.R. 2562: Mr. MORAN of Virginia.
H.R. 2569: Mrs. ROUKEMA.
H.R. 2573: Ms. DEGETTE.
H.R. 2596: Mr. BALLENGER, Mr. HAYWORTH, Mr. SKEEN, Mr. WICKER, and Mr. COBURN.
H.R. 2624: Mr. ENGEL and Ms. BERKLEY.
H.R. 2631: Mr. BACA.
H.R. 2686: Mr. SMITH of Washington.
H.R. 2706: Mrs. LOWEY.
H.R. 2720: Mr. WEYGAND.
H.R. 2733: Mr. HULSHOF, Mr. BONIOR, Mr. WU, and Mr. RANGEL.
H.R. 2736: Mr. OBERSTAR, Mr. STENHOLM, Mr. RAHALL, Mr. HILL of Indiana, and Mr. PASCRELL.
H.R. 2749: Mr. GRAHAM.
H.R. 2764: Ms. LEE.
H.R. 2784: Mr. BARCIA.
H.R. 2798: Mr. INSLEE.
H.R. 2801: Mr. KUCINICH.
H.R. 2840: Ms. STABENOW, Mrs. MORELLA, and Mr. LAHOOD.
H.R. 2856: Mr. COOK and Ms. LOFGREN.
H.R. 2864: Mrs. CAPPS.
H.R. 2870: Mr. VENTO.
H.R. 2899: Mr. DIAZ-BALART.
H.R. 2900: Mr. NEAL of Massachusetts, Ms. LEE, Mr. FRANKS of New Jersey, Mr. BLAGOJEVICH, Mr. FORBES, Ms. RIVERS, Mrs. CAPPS, Mr. CONYERS, Mr. WATT of North Carolina, Mrs. ROUKEMA, Mr. SHERMAN, Mr. BARRETT of Wisconsin, Mr. PASCRELL, Mr. SAXTON, Mr. CUMMINGS, and Mr. SABO.
H.R. 2934: Mr. RANGEL and Mr. NADLER.
H.R. 2966: Mr. MOORE, Mr. BOSWELL, and Mr. SIMPSON.
H.R. 2991: Mr. GILMAN.
H.R. 3004: Mr. NEAL of Massachusetts, Mr. SALMON, and Mr. SAXTON.
H.R. 3044: Ms. PELOSI.
H.R. 3083: Mr. ROTHMAN, Mr. ENGEL, and Mr. NADLER.
H.R. 3100: Mr. LARSON and Mr. CAMP.
H.R. 3125: Mr. COBURN and Mr. LAFALCE.
H.R. 3192: Mr. PHELPS, Mr. DICKS, Mr. ALLEN, Mr. HOEFFEL, Mrs. MALONEY of New York, and Mrs. MINK of Hawaii.
H.R. 3193: Mr. GREEN of Texas, Mr. DUNCAN, and Mr. BAIRD.
H.R. 3208: Ms. MCKINNEY, Mr. COSTELLO, Mr. BROWN of Ohio, Mr. LIPINSKI, and Mr. EVANS.
H.R. 3249: Mr. DIXON.
H.R. 3293: Mr. FRANK of Massachusetts, Mr. GILMAN, Mr. ENGEL, Mr. DREIER, Mr. ETHERIDGE, Mr. DAVIS of Florida, Mr. KASICH, Ms. KILPATRICK, Mr. OLVER, and Mr. NEY.
H.R. 3301: Mr. WELDON of Florida, Mr. ROMERO-BARCELO, Mr. MALONEY of Connecticut, and Ms. ESHOO.
H.R. 3309: Mr. CAMP.
H.R. 3327: Mrs. CUBIN.
H.R. 3392: Ms. LOFGREN.
H.R. 3405: Ms. NORTON, Mr. MILLER of Florida, and Mrs. ROUKEMA.
H.R. 3433: Mr. FRANK of Massachusetts and Mr. FRANKS of New Jersey.
H.R. 3438: Mr. DOYLE.
H.R. 3453: Mr. GOODE and Mrs. EMERSON.
H.R. 3489: Mr. GILLMOR, Mr. EHRLICH, Ms. MCCARTHY of Missouri, Mr. BLUNT, Mr. SHAYS, and Mr. BOUCHER.
H.R. 3500: Ms. MCCARTHY of Missouri and Mr. GORDON.
H.R. 3514: Ms. SLAUGHTER, Mrs. MEEK of Florida, and Mr. LIPINSKI.
H.R. 3535: Mr. KING.
H.R. 3573: Mr. BACA, Mr. FARR of California, Mr. MCKEON, Mr. PASCRELL, Mrs. ROUKEMA, and Mr. ETHERIDGE.
H.R. 3580: Mr. UDALL of New Mexico, Mrs. CLAYTON, Ms. LOFGREN, Mr. GORDON, Mr. BACHUS, Mr. BOSWELL, Mr. GEJDENSON, Ms. WOOLSEY, Mr. DEAL of Georgia, Mr. MCINTOSH, Mr. TOOMEY, Mr. PITTS, and Ms. HOOLEY of Oregon.
H.R. 3584: Ms. ROYBAL-ALLARD, Mr. REYES, Mr. GUTIERREZ, Mr. ORTIZ, Mr. BECERRA, Mr.

MENENDEZ, Mr. GONZALEZ, Mr. HINOJOSA, Mrs. NAPOLITANO, Ms. VELAZQUEZ, Mr. ROMERO-BARCELO, Ms. DANNER, and Mr. BISHOP.

H.R. 3625: Mr. WAMP, Mr. DELAY, Mr. DOOLITTLE, Mr. GRAHAM, Mr. BUYER, Mr. CHAMBLISS, Mr. CUNNINGHAM, Mr. TIAHRT, Mr. HEFLEY, Mrs. CUBIN, Mr. BLUNT, Mr. RILEY, Mr. LARGENT, Mr. COBURN, Mr. TANCREDO, Mr. SANFORD, Mr. COX, Mrs. CHENOWETH-HAGE, Mr. PAUL, and Mr. ISTOOK.

H.R. 3631: Mr. DOYLE.

H.R. 3634: Mr. LARSON, Mr. MATSUI, Mr. SANDLIN, and Mr. SABO.

H.R. 3650: Ms. LOFGREN, Mr. DAVIS of Illinois, and Mr. DIXON.

H.R. 3655: Mr. ALLEN, Mr. BONIOR, Mr. ANDREWS, Mr. ROMERO-BARCELO, Mr. PHELPS, Mr. CAPUANO, Ms. WOOLSEY, Mr. PRICE of North Carolina, Mr. BRADY of Pennsylvania, Mr. FILNER, Mr. GREEN of Texas, Mr. EVANS, and Ms. DELAURO.

H.R. 3663: Mr. LIPINSKI, Mr. JOHN, Mr. BURR of North Carolina, Mr. FRANK of Massachusetts, Mr. PITTS, and Mr. STENHOLM.

H.R. 3665: Mr. BALDACCI.

H.R. 3667: Mr. PAUL, Mr. POMEROY, Mr. FRANK of Massachusetts, Ms. CARSON.

H.R. 3678: Mr. BARR of Georgia and Ms. STABENOW.

H.R. 3680: Mrs. NAPOLITANO, Mr. KOLBE, Mr. DELAHUNT, Mr. MENENDEZ, Mr. BLUMENAUER, Mr. POMBO, Mr. WATKINS, Mr. HOUGHTON, Mr. ACKERMAN, Mr. GOODLING, and Mr. SENSENBRENNER.

H.R. 3681: Mr. HOLT, Mr. FROST, Mr. ROMERO-BARCELO, Mr. HALL of Ohio, Mr. BONIOR, Mr. MCGOVERN, Mr. WAMP, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. ROEMER, Mr. LARSON, Ms. SLAUGHTER, Mr. PALLONE, Mr. PALLONE, Mr. SPRATT, Mr. HINOJOSA, Mr. SAWYER, Mr. HINCHEY, Mr. TURNER, Mr. SCOTT, Ms. DELAURO, Mr. MCINTYRE, Mr. LUTHER, Mr. REYES, Mr. PRICE of North Carolina, Mr. STUPAK, Mr. PHELPS, Mr. BALDACCI, Mrs. MINK of Hawaii, Mr. DELAHUNT, Mrs. MCCARTHY of New York, Ms. KILPATRICK, Mr. SANDLIN, and Mr. RODRIGUEZ.

H.R. 3682: Mr. FROST and Mr. BARRETT of Wisconsin.

H.R. 3694: Mr. LOBIONDO.

H.R. 3698: Mr. DEUTSCH, Mr. KING, Mr. BACHUS, Mr. BARR of Georgia, Mr. DEAL of Georgia, Mr. SESSIONS, Mr. MCINTOSH, and Mr. RILEY.

H.R. 3700: Mrs. MEEK of Florida, Mr. DIXON, Mr. ETHERIDGE, Mr. CUMMINGS, and Mr. BLAGOJEVICH.

H.R. 3709: Ms. HOOLEY of Oregon.

H.R. 3710: Mr. STRICKLAND, Mr. GORDON, Ms. PELOSI, Mr. PASTOR, Ms. WOOLSEY, and Mr. WEINER.

H.R. 3766: Mr. LAMPSON, Mrs. MORELLA, Mr. LEWIS of Kentucky, Mr. MOORE, and Mr. CARDIN.

H.R. 3806: Mr. SPENCE.

H.R. 3836: Mr. ENGLISH.

H.R. 3842: Mr. NEAL of Massachusetts, Mr. MURTHA, Mr. WELDON of Pennsylvania, Mr. SHUSTER, Mr. KANJORSKI, and Mr. PETERSON of Pennsylvania.

H.R. 3850: Mr. COBURN and Mr. DOOLITTLE.

H.R. 3865: Mr. HAYWORTH.

H.R. 3873: Mr. MCGOVERN, Mr. FORBES, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. ENGEL.

H.R. 3875: Mr. MATSUI.

H.R. 3901: Mr. PAYNE.

H.R. 3905: Mr. ENGLISH, Mr. SHAW, Mr. COYNE, Mr. HAYWORTH, and Mr. FOLEY.

H.R. 3909: Mr. PHELPS, Ms. SCHAKOWSKY, and Mrs. BIGGERT.

H.R. 3910: Mr. MINGE and Mr. UPTON.

H.R. 3911: Mr. COOKSEY, Mr. SHAW, and Mr. GILLMOR.

H.R. 3916: Mr. GILCHREST, Mr. PICKERING, Mr. GILLMOR, Mr. MCKEON, Mrs. CAPPS, and Mr. CHABOT.

H.R. 3983: Mrs. NORTHUP, Mr. SALMON, and Mr. BALLENGER.

H.R. 3987: Ms. BROWN of Florida, Ms. CARSON, Mr. CLAY, Ms. NORTON, Mr. RANGEL, Mr. WYNN, and Mrs. NAPOLITANO.

H.R. 3998: Mr. QUINN.

H.R. 4011: Mr. MCINTOSH.

H.R. 4013: Mr. BONIOR, Mr. CLAY, Mr. DINGELL, and Mr. SMITH of Washington.

H.R. 4030: Mr. FOLEY.

H.R. 4033: Mr. GRAHAM, Mr. CAMP, Mr. WEYGAND, and Mr. BAIRD.

H.R. 4036: Mr. ENGEL.

H.R. 4040: Mr. SAXTON, Mr. FOLEY, Mr. LIPINSKI, and Mr. ENGLISH.

H.R. 4041: Mrs. MCCARTHY of New York.

H.R. 4042: Mrs. MCCARTHY of New York.

H.R. 4048: Mr. COOK, Mr. REGULA, Mr. HERGER, Mr. OSE, Mr. PASTOR, Mr. SPENCE, Mr. HYDE, Mr. SHAYS, and Mr. STUMP.

H.R. 4057: Mr. KUCINICH, Mr. BLUMENAUER, Mrs. MINK of Hawaii, Ms. HOOLEY of Oregon, Mr. KENNEDY of Rhode Island, Mr. OWENS, and Ms. LEE.

H.R. 4063: Mr. HINCHEY.

H.R. 4064: Mr. LAHOOD, Mrs. CUBIN, Mr. TIAHRT, Mr. ENGLISH, Mr. WATTS of Oklahoma, Mr. RILEY, Mrs. THURMAN, Mr. DOOLEY of California, Mr. BRYANT, Mr. SKEEN, Mr. BLUMENAUER, Mr. MOORE, Mr. NUSSLE, Mr. SIMPSON, Mr. LUCAS of Kentucky, Mr. BOEHLERT, Mr. WICKER, Mr. WAMP, Mr. EVERETT, Mr. ADERHOLT, Mr. CONDIT, Mr. GRAHAM, Mr. COOKSEY, Mr. DICKEY, Mr. JENKINS, Mr. KIND, Mr. JOHN, Mr. BERRY, Mr. SUNUNU, Mr. HERGER, Ms. STABENOW, Mr. COBLE and Mrs. CHENOWETH-HAGE.

H.R. 4066: Mr. FARR of California.

H.R. 4077: Mr. DEFAZIO, Mr. BROWN of Ohio, and Mr. HINCHEY.

H.R. 4091: Mr. LEWIS of Georgia.

H.R. 4099: Mr. MORAN of Virginia.

H.R. 4102: Mr. SOUDER and Mr. BACHUS.

H.R. 4111: Mr. MILLER of Florida.

H.R. 4115: Mr. HINCHEY, Mr. MALONEY of Connecticut, Mr. REGULA, and Mrs. BIGGERT.

H.R. 4143: Mr. ETHERIDGE, Ms. MCCARTHY of Missouri, Mr. MINGE, Mr. STRICKLAND, Ms. HOOLEY of Oregon, Mrs. THURMAN, Mr. GREEN of Texas, Mr. FROST, Mrs. CLAYTON, and Mr. CLEMENT.

H.R. 4149: Mr. RAHALL, Mr. BLUNT, Mr. YOUNG of Florida, Mr. SCHAFFER, and Mrs. FOWLER.

H.R. 4152: Mr. WAMP, Mr. SCHAFFER, and Mr. BARRETT of Wisconsin.

H.R. 4165: Mr. COOK, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. GARY MILLER of California, Mr. PALLONE, and Mr. BOEHLERT.

H.R. 4167: Mr. MCHUGH, Mr. WEINER, Mr. WALSH, Mr. TIERNEY, Mr. ACKERMAN, Mr. KENNEDY of Rhode Island, Mr. UDALL of Colorado, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. STARK, Mr. BERMAN, Mr. LAFALCE, Mr. OLVER, Mr. NADLER, and Mr. VENTO.

H.R. 4168: Ms. WATERS, Mr. BOUCHER, Mr. MALONEY of Connecticut, Mr. SCOTT, Mr. WISE, Mr. BERMAN, Mr. COSTELLO, Mr. OLVER, Ms. BROWN of Florida, Mr. CRAMER, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. BOYD, Mr. TOWNS, Ms. ROYBAL-ALLARD, Mr. FATTAH, Mr. PASTOR, Mr. MASCARA, Mr. CONDIT, Mr. GUTIERREZ, Ms. CARSON, Mr. CONYERS, Ms. DEGETTE, and Mr. DOYLE.

H.R. 4182: Mr. WELDON of Florida, Mr. COX, Ms. DUNN, Mr. POMEROY, and Mr. BRYANT.

H.R. 4188: Mr. GOODE, Mr. KINGSTON, Mr. EVERETT, and Mr. BACHUS.

H.R. 4191: Ms. STABENOW, Mr. WALSH, and Mr. STUPAK.

H.R. 4194: Mrs. BONO.

H.R. 4198: Mr. BARTLETT of Maryland.

H.R. 4200: Mrs. MEEK of Florida, Mr. THOMPSON of Mississippi, Mrs. CLAYTON, Mrs. JONES of Ohio, Mr. HILLIARD, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mr. BISHOP, and Mr. CLYBURN.

H.R. 4201: Mr. SHIMKUS, Mr. GILLMOR, Mr. ARMEY, Mr. EHRLICH, and Mrs. CUBIN.

H.R. 4204: Mr. BARR of Georgia.

H.R. 4207: Mr. KIND, Mr. BARRETT of Nebraska, Ms. SCHAKOWSKY, Mr. LAFALCE, Ms. ESHOO, Mr. VENTO, and Mr. GREEN of Texas.

H.R. 4211: Mr. WEINER and Mr. EVANS.

H.R. 4213: Mr. MORAN of Virginia, Mr. BURR of North Carolina, Mr. LIPINSKI, Mr. TRAFICANT, and Mr. EWING.

H.R. 4214: Mr. FOLEY and Mr. BARTLETT of Maryland.

H.R. 4215: Mr. ISTOOK, Mr. MORAN of Kansas, and Mr. STUMP.

H.R. 4219: Mr. SOUDER, Mr. PHELPS, Mr. DEMINT, and Mr. LOBIONDO.

H.R. 4223: Mr. VITTER.

H.R. 4245: Mr. FOLEY, Mr. BARTLETT of Maryland, and Mr. WELDON of Pennsylvania.

H.R. 4248: Mr. BARR of Georgia and Mr. LEWIS of Kentucky.

H.R. 4259: Mr. HORN.

H.R. 4260: Mr. GUTKNECHT and Mr. MINGE.

H.J. Res. 53: Mr. GRAHAM and Mr. GARY MILLER of California.

H.J. Res. 98: Mr. TERRY and Mr. SPENCE.

H. Con. Res. 62: Mr. LATHAM, Mrs. WILSON, and Mr. FORBES.

H. Con. Res. 220: Mr. CUMMINGS.

H. Con. Res. 252: Mr. SKEEN, Mr. WELLER, Mr. PHELPS, Mr. WHITFIELD, Mr. LUCAS of Kentucky, Mr. SAWYER, Mr. PASTOR, Mr. EHRLICH, Mr. WYNN, Mr. WEXLER, and Mr. BOEHLERT.

H. Con. Res. 256: Mr. BLAGOJEVICH.

H. Con. Res. 259: Mr. ALLEN.

H. Con. Res. 265: Mr. GUTIERREZ, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Ms. MILLENDER-MCDONALD, Mr. SHAYS, Mr. POMEROY, and Mr. ACKERMAN.

H. Con. Res. 271: Mr. NETHERCUTT.

H. Con. Res. 275: Mr. BERMAN, Mr. RAHALL, and Mr. SUNUNU.

H. Con. Res. 294: Mrs. MALONEY of New York, Mr. BILIRAKIS, Mr. BRADY of Pennsylvania, Ms. MCKINNEY, and Mr. CAMPBELL.

H. Con. Res. 304: Ms. JACKSON-LEE of Texas, Mr. BACA, Mr. CROWLEY, Mr. MASCARA, Mr. RUSH, Mr. CLYBURN, Ms. LOFGREN, Mr. TOWNS, Mr. SMITH of Washington, Mr. DAVIS of Illinois, Mr. SHERMAN, Mr. DAVIS of Florida, Mr. ROTHMAN, Mr. FALEOMAVAEGA, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. GREEN of Wisconsin, Mr. BILBRAY, Mr. BOEHNER, Mr. RAMSTAD, Mr. ETHERIDGE, Mr. MCGOVERN, Mr. TURNER, and Mr. INSLEE.

H. Con. Res. 305: Mr. SHIMKUS, Mr. BRYANT, Mr. FOSSELLA, Mr. STEARNS, Mr. WHITFIELD, Mr. GRAHAM, Mr. ISTOOK, Mr. HILLEARY, Mr. TANCREDO, Mr. WELLER, Mr. PAUL, Mr. SAM JOHNSON of Texas, Mr. JENKINS, Mr. SALMON, Mr. MANZULLO, Mr. COX, Mr. CHABOT, Mr. BARTON of Texas, Mr. BLILEY, Mr. BURTON of Indiana, Mr. HALL of Texas, Mr. LUCAS of Oklahoma, Mr. HILL of Montana, Mr. WAMP, Mr. HOEKSTRA, Mr. HAYES, Mr. HANSEN, Mr. LINDER, Mr. EWING, Mr. SCARBOROUGH, Mr. ARMEY, Mr. SMITH of Michigan, Mr. HAYWORTH, Mr. GUTKNECHT, Mr. POMBO, Mr. KINGSTON, Mr. DUNCAN, Mr. HEFLEY, Mr. WATKINS, Mr. PICKERING, Mr. LEWIS of Kentucky, Mr. THUNE, Mr. HERGER, Mr. ENGLISH, Mr. MCCRERY, Mr. CAMP, Mr. CHAMBLISS, and Mr. NORWOOD.

H. Res. 107: Mr. DAVIS of Florida.

H. Res. 213: Mr. BARRETT of Nebraska and Mr. PETRI.

H. Res. 238: Mr. HULSHOF, Mr. WU, and Mr. RANGEL.

H. Res. 414: Ms. DEGETTE.

H. Res. 458: Mr. FRANKS of New Jersey, Mr. MCCRERY, Mr. MEEHAN, and Mr. SMITH of New Jersey.

H. Res. 462: Mr. PETRI.

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. 1283: Mr. TALENT.

H.R. 1396: Mr. BOUCHER.

H.R. 1824: Ms. KILPATRICK.

H.R. 3308: Mr. PICKERING.

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, APRIL 13, 2000 No. 47

Senate

The Senate met at 10:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Rev. Donald J. Harp, Jr., Peachtree Road United Methodist Church, Atlanta, GA.

We are glad to have you with us.

PRAYER

The guest Chaplain, the Rev. Donald J. Harp, Jr., offered the following prayer:

Let us pray.

O God, our help in ages past, our hope for years to come, for this land of beauty and plenty, we offer our words of thanksgiving. For elected leaders who place the good of all above the wishes of a few, we offer our words of thanksgiving. For our citizens who offer thoughtful words of affirmation versus random words of criticism, we offer words of thanksgiving. Intercede, O God, with Your wisdom, in the decisions of this body. Grant wisdom, compassion, and vision, that decisions shall be based on truth, honesty, and fairness for all of our citizens. Bless, we pray, our executive branch, our Congress, and our judicial system with the gift of Your compassion for humanity as decisions are made. We pray in Thy holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

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

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Georgia is recognized.

WELCOME TO REV. DON HARP

Mr. CLELAND. Mr. President, I am very honored to host Reverend Don Harp of Atlanta as the guest Chaplain in the Senate today.

Reverend Harp was born in Fayette County, GA, and graduated from Fayette County High School.

He attended Young Harris Junior College before receiving his BA degree from Huntingdon College in Montgomery, AL. Reverend Harp then went on to earn his masters degree in divinity from Emory University in Atlanta, and his doctorate from McCormick Theological Seminary in Chicago.

He has served on the Carrollton, Georgia City Council, Mayor Bill Campbell's Atlanta Advisory Committee, and the President's Advisory Council of Oglethorpe University.

He has received the Mary Mildred Sullivan Award from Brenau College in Gainesville, GA, and was a delegate to both the General and Southeastern Conferences of the United Methodist Church.

Reverend Harp has been a good friend and pillar of support for me over the years. As Tagore once said, ''Faith is the bird that feels the light and sings when the dawn is still dark.''

Reverend Harp taught me that faith in God sometimes requires strength, but God gives back that strength many times over.

I am proud to welcome my distinguished friend to the United States Senate today.

RECOGNITION OF ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Idaho is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, today the Senate will be in a period of morning business until 2 p.m. with the time until 12:30 p.m. for general statements and bill introductions. At 12:30 debate regarding the marriage tax penalty will occur prior to the cloture vote scheduled to occur at 2 p.m. Senators should be aware that if cloture is not invoked on the substitute, there will be a second cloture vote on the underlying measure. Therefore, there could be up to two votes at 2 p.m. Following the votes, the Senate is expected to consider the budget resolution conference report with a final vote expected this evening. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time between 10:30 and 10:45 a.m. shall be under the control of the Senator from Idaho, Mr. CRAPO, or his designee.

The Senator from Georgia.

MEASURE PLACED ON THE CALENDAR—H.R. 1838

Mr. CRAPO. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes.

Mr. CRAPO. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

(The remarks of Mr. CRAPO and Mr. SMITH of New Hampshire pertaining to the introduction of S. 2417 are printed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that the time assigned to the Senator from Arkansas, Mr. HUTCHINSON, be given to me at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIGHTING DRUGS IN THE UNITED STATES

Mr. GREGG. Mr. President, I rise to speak about the issue of how we are fighting drugs in this country—specifically, the President's initiative relative to the country of Colombia in relation to our own initiatives on the southern border of our country.

I have the privilege to chair the committee that funds the INS, which includes the Border Patrol, DEA, the department of drug enforcement; and the judiciary. All three agencies, of course, of our Government have a significant role in the issue of drug enforcement and especially as it affects our southern border.

The President has asked for $1.6 billion of new money—he has asked for it in an emergency format—to be sent to the country of Colombia, in order for Colombia to fight drugs and the production of drugs. That may well be a reasonable request. I have reservations on its substance, but I also have serious reservations as to its appropriateness in the context of the drug war that we as a Nation face. The reason is simple. When the President sent a budget up to address the agencies that are responsible in our Government to fight drugs, he did not fully fund their needs. He underfunded the needs of the Drug Enforcement Administration, DEA; he underfunded the needs of the INS and Border Patrol; he underfunded the needs of the judiciary, which enforces the law.

I have made a little chart here that reflects a comparison. The unfunded capital—I am talking about capital needs, one-time items, which involve the construction or technology and needs of these different agencies, the INS, DEA, and the judiciary. The unfunded requests of these agencies represented about $1.8 billion—a little bit more than $1.8 billion. Compare that with the fact that the President is willing to fund almost $800 million—million, not billion—of capital needs for Colombia.

Let's do a little review of this because I think it is important for people to understand what happened. Essentially, what the President is saying is that the capital needs of Colombia are more important than the needs of our own drug enforcement agencies here in the United States. For example, the President has requested 15 Huey helicopters for Colombia and 30 Blackhawk helicopters. They are the most advanced helicopters we have in our fleet. Thirty Blackhawk helicopters will cost approximately $388 million. Let me tell you, those 30 helicopters, along with the 15 Hueys, are going to go to Colombia.

Let me tell you what the Drug Enforcement Administration and the Border Patrol have to fly on our borders in order to interdict drugs. They fly old Vietnam-era helicopters. They aren't safe. In fact, many of them have been grounded. The Army, in fact, grounded almost all of its Hueys. But that is what we are left with.

DEA and INS have both requested aircraft in order to patrol the borders. Those requests were not funded by this administration. Yet the administration turns around and is willing to give 30 Blackhawk helicopters to Colombia. Who knows what will happen to those helicopters. Who knows how they will be used. But I can assure you that the first call, I believe, on new helicopters for the purposes of the drug war should have gone to the departments which fight the drug war in the United States and which need them.

Another example: Night vision goggles. We are going to send $2 million to Colombia to buy night vision goggles. Yet here in the United States, the Border Patrol and DEA are short on those materials. In fact, the Border Patrol is woefully short on night vision goggles, on pocket scopes, on fiber-optic scopes, on hand-held searchlights—all of these items the Border Patrol asked for and were not funded in this budget by the President.

Yet the President has been willing to find the money, or suggested that we should find the money, to send not only night vision goggles but ground-based radar systems, secure communications systems, signal intelligence gathering systems, computers, and installation of sensor sights for aircraft. All of these items they have suggested we send to Colombia.

In addition, they have suggested that we actually construct facilities for Colombia to the tune of approximately $49 million—physical buildings.

Let me tell you, both the INS and the DEA need physical facilities. In fact, the Border Patrol is functioning out of extraordinarily crowded facilities. Many of the Border Patrol stations are grossly overcrowded. There is one site which is designed for 5 people with 125 people working out of it. There is another site where the Border Patrol is working out of an old Tastee Freeze building. I guess you can use an old Tastee Freeze building. It is sort of hard to handcuff a drug dealer to a Tastee Freeze machine.

The fact is we do not have the facilities which we need in order to adequately enforce our laws relative to drug dealers coming across the borders and drugs coming across the borders. We don't have the facilities to detain those people.

There is a detention need of approximately $406 million. In other words, we need $406 million of construction in order to meet the potential detention needs for people illegally coming across the border, many of them drug dealers.

The judiciary has the same problem. There is a massive increase in the amount of caseload which the judiciary along the southern border has to handle. Five district courts on the southwest border now handle 26 percent of all the Federal criminal activity—26 percent of all the Federal criminal activity—and a great deal of that is drug related.

To put that in perspective, the remainder of the criminal activity in this country is handled by 89 other district courts. Five are handling 26 percent and 89 handle the rest. You can see how overworked those five courts are.

The border courts' basic caseload is four times that of the national average. Yet did the administration put money in to try to increase the capacity of those court systems to handle this wave of crime that is coming across the border, much of it drug-related? Absolutely not. There are no physical facilities in that area.

I put up another chart which is a little more stark explanation of some specific accounts.

For example, the aircraft needs along the southwest border, this is what was unfunded. This bar chart shows the unfunded needs for aircraft along our southwest border. This shows how much the administration is willing to spend for aircraft for Colombia. They are willing to spend three times what it would take in order to adequately monitor our own border with aircraft. They are willing to spend it in Colombia.

I have to say that I really doubt that aircraft in Colombia is going to end up doing the job. I do not know how it is going to be used. But I strongly suspect it is not going to be used very effectively if we look at the history of what has happened with our efforts outside this country in the area of crime enforcement. I suspect what we will end up with is some company in America making a heck of a lot of money because somebody will buy 30 Blackhawk helicopters and ship them to Colombia. That will be the end of it. That will be the last we hear of them.

But if the administration is willing to pay for the aircraft along the border, the use of those aircraft would be accountable to the American people. We would know whether those aircraft were being used correctly in law enforcement and drug enforcement. I can assure you that my experience with the Border Patrol and the DEA is they would be used correctly, and we would get a return for the dollars that are being spent.

It is not only in the capital areas that this administration has acted, in my opinion, with gross irresponsibility in their obligations to fight the drug war here in the United States, by funding the Colombian request but not

funding the American needs, but more importantly, in the area of personnel and initiatives, it is really unbelievable. This administration is willing to spend $1.6 billion in Colombia, but they spent absolutely nothing in their budget on the methamphetamine initiative of the Drug Enforcement Administration. Nothing. The methamphetamine initiatives of DEA have been some of the most successful initiatives they have undertaken.

Talk to people in Colorado, Missouri, Minnesota, and all along the southwest border. They will tell you methamphetamine is the drug that is growing most rampantly. It is growing at the most dramatic rate. Its production is growing at the most dramatic rate.

Two years ago, the Congress set up 10 initiatives in the area of methamphetamine. They have been successful. Yet this administration has zeroed out for all intents and purposes any new initiative in methamphetamine, even though the DEA specifically requested of OMB—part of the administration—and said they needed 10 more initiatives in the area of methamphetamine. I think it was 10. But that was zeroed out by the White House while at the same time they are willing to spend $1.6 billion to buy planes for Colombia. It makes no sense.

We know that 85 percent of the methamphetamine that is being sold in Minnesota is smuggled in from Mexico. We know that. We know, if we are going to stop that smuggling, that we are going to have to have a border enforcement capability that can identify it, track it, arrest it, and then prosecute it. But you can't do that if you are going to underfund the DEA, the INS, and the judiciary to such dramatic levels. But the White House has done exactly that. But who have they been willing to fund for initiatives in Colombia? That is not the only instance.

The Border Patrol was supposed to receive an increase of 1,000 people a year for 3 years. That is what the Congress asked this administration to do. That is what we actually funded—1,000 people for 3 years. This administration has refused to fill those slots. The administration has basically refused to fulfill its obligation to fill those slots. So the Border Patrol goes undermanned and in many instances underpaid. As I have already pointed out, the facilities and equipment it has are woefully inadequate.

The Border Patrol, obviously, does things other than just drug enforcement, but because the Mexican border is the primary vehicle and the Mexican cartels are the primary force behind the drug flow into the United States, the Border Patrol is constantly being drawn into the drug fight. Therefore, adequately funding the Border Patrol is critical to having an adequate drug enforcement policy in this country.

My point is simple and obvious. Before we send $1.6 billion to Colombia, before we send this money down there so they can have more planes, goggles, and radar sensors, how about funding the American needs in the area of drug enforcement? How about funding our own law enforcement community and our Judiciary so we can act adequately, interdict and fight drugs in the United States.

I believe this administration's priorities are skewed. I think this Congress has an obligation to take a hard look at the Colombian drug proposal when it comes here. In my opinion, we should reallocate significant amounts of those funds so we can appropriately fund and support DEA, INS, and the Judiciary.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the time between 11 o'clock and 11:30 shall be under the control of the Senator from New Hampshire or his designee.

The Senator from New Hampshire is recognized.

HOLY SEE

Mr. SMITH of New Hampshire. Mr. President, first, I want to make my colleagues aware I have a resolution regarding the Holy See. This resolution would block any effort to remove or demean the nine-member permanent observer status at the United Nations held now by the Catholic Church. I want my colleagues and the American people to know this is being blocked from being heard by the other side of the aisle, which is a very interesting story considering the controversy on the House side regarding the Chaplain. It is interesting that this simple resolution that says we will not block or demean in any way the nine members of the permanent observer status at the United Nations by the Pope and the Catholic Church is being blocked on the other side of the aisle.

I want the American people to know I can't get this to the floor because of holds on this bill on the other side. When we hear the stories about who is anti-Catholic and who isn't, we ought to shine the light where the light should be shined.

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, I want to pick up on a couple of points I made last night regarding Elian Gonzalez.

My colleagues need to understand today this young boy is going to be yanked from the arms of his family, literally, at the direction of Janet Reno, and placed on an airplane and taken God knows where—we are hearing maybe to Bethesda—where he meets with Juan Gonzalez in the confines of the Cuban control which is where this Cuban diplomat lives, or perhaps ultimately on an airplane and headed for Cuba. There are no restrictions. We don't know.

The speech I made on the floor last night I thought was very compelling regarding this situation. There is talk about how this young man is going to go back to his father. I will repeat briefly what I said last night. He is not going to go back to his father, if we let this young boy go back to Cuba. The Cuban diplomats have already said this young man is controlled by Cuba. He is a child of the state. He is a child of Cuba. He is not a child of Juan Gonzalez—only biologically. Beyond that, he is not the son of Juan Gonzalez; he is the son of Cuba.

We have a 6-year-old little boy who survived a terrible incident at sea, watching his mother drown. Her dying words literally were: Please get Elian to the shores of America. The two survivors told me that themselves because they saw her die, as did Elian.

Later they were separated and Elian floated for 3 days in an inner tube. When he was picked up by two fishermen, he was surrounded by dolphins. We know dolphins are a protection because sharks do not interfere with dolphins. He was being protected by the dolphins. He had no sunburn after 3 days at sea. He told me he saw the Virgin Mary while he was floating in this inner tube.

This is a very special little boy who had never been inside a church until he came to America. We now have said, the Justice Department has said, Janet Reno has said, this boy has no rights under the law. She is wrong. She has discretion under the law to send him back, but there is no law that says he must go back. I want to make that very clear.

I think the Senate should go on record, as tough as it is, and take a vote one way or the other, binding or nonbinding, but take a vote. Every Senator should let the American people know how they feel about this because Elian went through an awful lot—a lot more than most of us go through in our lifetimes. His mother died trying to get him to America, and we have now taken her rights away. She has no voice because she can't speak for herself. Perhaps ultimately in the custody court without the Justice Department would be the right way to resolve it. However, the Attorney General has chosen to be confrontational, as she did at Waco, and said he will be taken. She has made this statement over and over in the past several days.

I read the polls that say 61 percent of the American people say Elian Gonzalez should go back to his father. This is not about polling. There were no polls out there when Elian was floating around in the ocean in rough seas for 3 days.

I have met Elian Gonzalez and until yesterday I don't think Janet Reno had. He is a special boy. He is going to be Castro's main objective when he gets back to Cuba. This boy cannot succeed in saying good things about America to his classmates. This boy will go into a Communist education camp. He will be taken away from his father most of the time, probably 11 months out of 12, and he will be ''re-educated.'' Fidel Castro himself has

said this boy will be reeducated. He will be reeducated all right. Ask some of the Vietnamese who came out of Vietnam what a reeducation camp is and ask some of the Cuban American community today what it is like in Cuba and why thousands have come here and thousands more have died trying to get here.

Now because little Elian's mother drowned, he has no rights. I thought this was America. But I guess it isn't anymore.

I want everybody to understand what happens to Elian Gonzalez. We hear about Fidel Castro. You would think he loved this little boy and would want to get the little boy back to his father. ''That is all I want,'' says Fidel.

I will close on this point: On July 13, 1994, 72 Cuban men, women, and children boarded a tugboat called the *13 de Marzo* and they set sail, hopefully, they thought, to freedom in the United States. Three hours later, 32 of them would be forced back to Cuba and imprisoned and another 40—23 children among them—would be killed by the Cuban goon squads of Fidel Castro.

Do you know how it happened? I will tell you how it happened. We got this firsthand from the survivors: Two Government firefighting boats pummeled the helpless passengers, who were unarmed, with water from high-pressure firehoses 7 miles off the coast of Cuba. The passengers repeatedly attempted to surrender to Government officials, going so far as to hold their children in their arms up like this, saying: Please, these are my children, stop, stop.

But the Cuban Coast Guard was relentless. The firehoses were enormous. Survivors said children were sprayed from the arms of their mothers into the ocean waters. Other children were simply swept off the deck by the firehoses and drowned in the sea. Desperate to protect their children, some of the mothers went down below deck with their children. What did they get for that? The Cuban Coast Guard rammed their vessel again and again and sank it with these people in the hold.

Here is a picture of a little girl, Caridad Leyva Tacoronte, 4 years old. She was one of those children.

If Castro's goons could have caught that boat, they would have done the same thing to Elian Gonzalez.

So I don't want to hear any more of this talk about how this is going to be the nicest thing for Elian, to go back to his wonderful little home in Cuba and live happily ever after with his dad because that is a bunch of pure, unadulterated garbage. Let's face reality. If the Senate does not have the courage to stand up and vote and be on record against that, then what do we stand for? What do we stand for?

Here is another one, Angel Rene Abreu Ruiz, 3 years old, sprayed from the arms of her mother by a high-pressure firehose and drowned in the ocean before her mother's eyes.

Elian did not get caught, so Castro did not kill him. He made it to the ocean. The ocean, though, took the lives of his fellow passengers, all but two. One other couple and Elian survived. His mother died.

So rather than send this to a custody court—I am not asking anybody to make a decision on where Elian should go. All my resolution does, that I have been trying to get a vote on now for a month and a half, is it gives permanent residency status to Elian, to his father, to his father's current wife, and to his child, to Elian's two grandmothers and grandfather—all the family. It lets them come here free of Castro, sit down as a family, talk with the Miami relatives, and decide how little Elian's fate should be resolved. That is all I am asking.

But, oh, no, we cannot do that because Janet Reno and Fidel Castro have decided the kid has to go back to Cuba. I want everybody in America to know what is going to happen. I promise you, this is the kind of stuff that happens in Cuba. He is going to go into a little reeducation camp, and he is going to learn all about communism, and we are going to make mighty sure, in Cuba, that he does not tell his classmates about Disney World or anything else nice that happened here in America. He is not going to let that happen. So he is a special little boy, all right, to Fidel Castro.

When I hear all this stuff about this nice little happy relationship with Juan Gonzalez, his father—where has his father been for 4 months? Has anybody stopped him from going to Miami and sitting down with the family and talking this out? Yes. Fidel Castro has stopped him.

Do you know where Mr. Gonzalez' mother is right now? She is under house arrest in Cuba so she cannot move freely. Let's get real here. That is where she is. He is afraid to say anything because he fears for his mother's life. He has his wife and child here but he doesn't have his mother here.

What a tragedy this is, that this little boy, who survived all of this, is now going to be forced back and he has nothing to say about it. I am never going to forget, as long as I live, no matter what happens, that little boy looking me in the eye about 2 months ago, 3 months ago, and saying: Senor, ayudame, por favor—help me, please. I don't want to go back to Cuba.

I asked him: Elian, don't you want to see your father?

He said: Si, senor—yes, but I want my father to come here to America because that is what my mother wanted.

Frankly, that is what his father wanted, too, but he can't say it. His father knew Elian was coming. He spoke to the hospital the night Elian was rescued and he was in the hospital. The father spoke to the doctors and to the family and thanked the family and the doctors for taking care of him and said, ''I'll see you soon.'' But, oh, no. Then comes the Attorney General blundering into this thing: Oh, no, this is an immigration matter.

Do you think he came in here by yacht?

Once again, I plead with my colleagues, whoever the powers that be are around here: Bring this thing to a vote today before 2 o'clock. Don't block it. Bring it to the floor and allow us to be recorded so the American people will know where we stood on a matter as important as this.

VOLUNTARY MEDICARE PRESCRIPTION DRUG PLAN ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I would like to talk a bit about The Voluntary Medicare Prescription Drug Plan Act of 2000—S. 2319.

This bill allows seniors to enroll in a new program under Medicare which will provide for prescription drug coverage without increasing Medicare premiums or costing the Federal Government one penny.

This is an issue about which, as you know, many seniors are very concerned.

The Senate unanimously approved a sense-of-the-Senate amendment on the budget resolution offered by myself, Senator ALLARD, and Senator DOMENICI.

This sense-of-the-Senate is very simple. First of all, under the plan the Senate Democrats are committed to passing this year, there are six basic principles.

I agree with them all.

No. 1, it is voluntary.

I agree with this. If the senior doesn't want it, he or she should not have to take it.

No. 2, it is accessible to all Medicare beneficiaries.

I agree with that. A hallmark of Medicare is that all beneficiaries, even those in rural or underserved communities, have access to dependable health care. It should be accessible to everybody. The Smith-Allard plan is fully accessible for all beneficiaries.

No. 3, it is designed to provide meaningful protection and bargaining power for Medicare beneficiaries in obtaining prescription drugs.

A Medicare drug benefit should assist seniors with the high cost of drugs and protect them against excessive, out-of-pocket expenses. I agree with that.

No. 4, it is affordable for all Medicare beneficiaries and for the Medicare program.

It should be affordable to all beneficiaries, and it should be affordable to the Medicare program itself. The Smith-Allard bill is free. Free to all beneficiaries, free to the trust fund. If free qualifies as affordable, I think we are there.

No. 5, it is administered using private sector entities and competitive purchasing techniques.

The management of the prescription drug benefit should mirror the practices employed by private insurers. Discounts should be achieved through competition, not through price controls or regulation.

We are five for five.

No. 6, it is consistent with broader Medicare reform.

None of the plans that I know of are consistent with this principle because they all cost the taxpayers of America in the upwards of $40 billion dollars. And that's just to start. The President's plan is looking at an additional $203 billion.

Medicare will face the same demographic strain as Social Security when the baby boomer generation retires. We need to save Medicare, not add more of a financial burden to it.

So, these six principles I have listed are principles I totally support. They are principles that the Smith-Allard plan meets.

But we added three new principles: The plan should be revenue neutral; not increase Medicare beneficiary premiums; and provide full coverage in 2001.

These three principles enhance and strengthen those put forth by my colleagues on the other side of the aisle.

Let me briefly explain how my new legislation works:

Medicare part A—under the old system, the current system—has a $776 deductible.

Medicare part B has a $100 deductible. In other words, if you go to the doctor, the first $100 you pay for; if you go to the hospital, the first $776 you pay for; the rest, Medicare pays. That is total of $876 you will have to pay.

My new plan would create one new deductible, combining those two deductibles of part A and part B into one deductible of $675, which would apply to all hospital costs, all doctor visits, and prescription drugs—50 cents on the dollar up to $5,000.

And the prescription drug costs apply to the deductible, so every dollar you pay for a prescription moves you forward to meet the deductible.

Once the $675 deductible is met by the Medicare recipient, Medicare then will pay 50 percent of the cost toward the first $5,000 worth of drugs the senior purchases.

However, the senior could not purchase a Medigap plan that would pay for the $675 deductible. This must be paid for by the senior. But if you have a Medigap plan now as a senior, you will not need it.

As a result, seniors would save about $550 under Medigap plans if they traded their current Medigap plan for my new prescription drug plan.

Again, it is their option. It is voluntary. Seniors could even use their $550 in savings to pay the $675 deductible.

If you are a senior out there, and you have part A, part B, and you are paying $675 toward the deductible, and you have Medigap insurance of $550, you now can put the $550 toward the $675 to meet your deductible. So you are going to have $550 in savings. You can put that toward the $675, and you are already two-thirds of the way there.

But how do you get the cost savings?

As my colleagues are aware, according to the National Bipartisan Commission on the Future of Medicare, the Federal Government pays about $1,400 more per senior if the senior owns a Medigap plan that covers their part A and part B deductible.

The savings result because Medicare will not have to pay this $1,400 per person per year out of the trust fund.

As I mentioned, all hospital, physician, and prescription drug costs would count toward this $675 deductible. Once it was met, the senior would receive regular, above-the-deductible Medicare coverage, just as you get now. Or if you worked out the numbers and decided against my plan, then you would not have to select it; it is your choice.

I have spoken to senior groups and health care providers, both in Washington as well as in my State over the past several weeks, about this proposal. The response has been very enthusiastic.

Seniors want a prescription drug benefit. Doctors and nurses understand the importance of providing coverage for seniors because of the expense of prescription drugs in this country.

It would be a victory for seniors and for health care in this country if we could provide this coverage to them.

In a recent press conference, President Clinton and Senator DASCHLE outlined their goals for prescription drug coverage.

Leaving the politics aside, the fact that elected leaders from both parties are looking at this issue of prescription drug coverage is good news for the senior citizens of America.

I have talked with several of my Republican colleagues, and it is clear to me there is overwhelming support for allowing seniors to have this choice. The only question among us all is how we can responsibly structure such a program.

I heave heard from seniors in my State about what they are looking for in a prescription drug plan.

First, they are concerned about the solvency of the Medicare program. They want a program that does not add some huge financial burden to the trust fund which will be passed on to their grandchildren.

Second, they do not want to increase the national debt, either. Yes, seniors are concerned about the national debt. Ask them the next time you speak to a seniors group.

Third, seniors do not want new premiums. My plan requires no premium hike for seniors—zero.

As I have previously stated, the guiding principles of this plan, which may come as a shock to some of my colleagues on the other side of the aisle, are the same principles as those of the President and the distinguished minority leader for any prescription drug plan.

I believe the vast majority of seniors will benefit from this plan. In fact, every senior with a Medigap plan will definitely benefit.

Any senior with a prescription drug expenditure of more than $15 a month will benefit. Today, the Medicare part A and part B deductible totals $876, which most seniors cover by an average $1,611 Medigap insurance premium.

Let me go through some charts that will help explain how the plan works.

First, it is budget neutral.

It is ironic to see the direction in which the Medicare reform debate is headed.

Do my colleagues remember what started these discussions about Medicare reform?

It was the fact that the program was going broke.

So why would we support reforms that cost the program billions more in spending and further increase its insolvency?

I want to support Medicare reform that preserves the integrity of the program, not some sham reform that adds new financial burdens we will not be able to sustain.

For those of you who are skeptical that these numbers can work, let me say right off that I am not an actuary. I know budgets, but these are vast actuarial calculations we are talking about.

So, I wrote a letter to someone who I feel is in a unique position to make an unbiased assessment of this plan. His name is Guy King, and he was the Chief Actuary at the Health Care Financing Administration

Here is the letter he sent me.

I ask unanimous consent that this letter and a letter from Mark Litow, an actuary from the firm of Milliman and Robertson, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

KING ASSOCIATES,
Annapolis, MD, March 28, 2000.

Hon. BOB SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: This is in response to your letter of March 9, 2000 asking for my analysis of legislation you intend to introduce in the Senate. The proposed legislation establishes a voluntary prescription drug benefit, the Medicare Prescription Drug Plan, under the Medicare program.

Under the Medicare Prescription Drug Plan, the current Part A and Part B deductibles would be replaced by a single deductible of $675 which would also be applicable to the new prescription drug benefit. The Medicare program would pay fifty percent of the cost of prescription drugs, up to a maximum of $2,500 after satisfaction of the deductible. A beneficiary who chooses the Medicare Prescription Drug Plan would not be allowed to purchase a Medicare supplement policy that fills in the $675 deductible, so special Medicare supplement policies for those who choose the option would be allowed.

The Medicare Prescription Drug Plan would be available, on a voluntary basis, to any Medicare beneficiary not also covered by Medicaid. The possibility of anti-selection is an important consideration for a plan that is available to all Medicare beneficiaries as an option. I believe that the design features of the Medicare Prescription Drug Plan, as outlined in your legislation, minimize the impact of anti-selection.

As you requested, I performed an analysis of the proposed legislation. This analysis is based on Medicare and prescription drug data that I obtained from the Health Care Financing Administration (HCFA). My analysis indicates that the Medicare prescription Drug Plan, as described above, would be cost-neutral to the Medicare program if it were made available on a voluntary basis to all beneficiaries except those also covered by Medicaid.

If you should have any questions regarding my analysis, please don't hesitate to call.

Sincerely,

ROLAND E. (GUY) KING, F.S.A., M.A.A.A.

MILLIMAN & ROBERTSON, INC.,
Brookfield, WI, March 29, 2000.

Hon. Senator ROBERT C. SMITH,
Dirksen Building, Washington, DC.

Re: Medicare Alternative Including Prescription Drug Coverage.

DEAR SENATOR SMITH: At your request, we have analyzed the impact of creating a new option for the Medicare population that would provide coverage for prescription drugs. This option would allow most non-Medicaid aged and disabled Medicare beneficiaries, including those who are institutionalized but not covered under Medicaid and those with end stage renal disease (ESRD), a choice between traditional Medicare coverage and a new form of Medicare coverage referred to as the Prescription Plan. If the individual chooses the prescription plan, the deductible applies across all benefits (Part A, Part B, and drugs). Coinsurance still remains as currently exists under Parts A and B after deductibles, although the Part A extended benefit is available as an option, and prescription drugs have their own coinsurance levels as specified. If the individual chooses to remain under traditional Medicare, no prescription drug coverage is available.

The key components of the Prescription Plan option are:

The Prescription Plan has an aggregate deductible of $675 for the year 2000 across all benefits. Coinsurance for Parts A and B above the deductible are consistent with Medicare today, except as noted in the following bullet. Coinsurance for drugs is 50/50 on the next $5,000 above the deductible, with no coverage thereafter, so that the plan's maximum prescription drug benefit is $2,500.

Individuals have the option to pay an additional premium to Medicare under the Prescription Plan of $21 per year ($1.75 per month) that would provide full coverage of hospital claims for days 61 to 90 plus Lifetime Reserve Days. Currently, Medicare only covers a portion of the cost for days 61 to 90 and Lifetime Reserve Days.

People can purchase a new Medicare Supplement plan to cover their out-of-pocket costs above the deductible. Under this scenario, premiums for the current Plan F (which exclude prescription drugs) are expected to decrease by roughly $550 per year on average. Coverage below the aggregate deductible is not permitted.

People choosing to be covered under traditional Medicare will have exactly the same benefits they have today under Medicare. We believe the choice of current Medicare versus the Prescription Plan is reasonably balanced so that a relatively equal mix of healthy and less healthy individuals will select current Medicare and the Prescription Plan. Therefore, we do not anticipate significant amounts of adverse selection with this choice.

The offering of Prescription Plan along side traditional Medicare is estimated to be revenue neutral to Medicare. In other words, the Prescription Plan allows individuals access to prescription drug coverage at no additional cost to the Federal Government. Election of the option results in no change to the Part A and/or Part B premium, as applicable.

This system allows individuals two opportunities to change options. The first is at their initial time of eligibility for this program. The second is at the beginning of any year that is at least four years after their initial option. In both cases, the move can be made without evidence of insurability.

Estimates of the aggregate deductible are based on our best set of assumptions. A wide range of reasonable assumptions exist that could either increase or decrease these values.

A number of data sources and assumptions have been used in our analysis. These include:

The benefit design is applicable to the non-Medicaid aged, disabled, and ESRD populations. The only population not covered under this plan is that covered by Medicaid.

We estimate the Prescription Plan will result in an aggregate decrease in utilization of approximately 5%. However, we expect that the utilization savings will occur if and only if the aggregate deductible cannot be covered under any supplemental insurance plan.

We have assumed no price discounts on prescription drugs.

We have assumed that the choice between current Medicare and the Prescription Plan is fairly equal. The reason is that the higher deductible for Part B services will attract healthier people under the Prescription Plan, while the drug benefit will attract less healthy individuals. Given the magnitude of the Part B benefit and the drug benefit included in the Prescription Plan, we are unable to discern a tendency for people in a certain health status to have a greater inclination for current Medicare or the Prescription Plan than would people in a different health status.

All estimates above are based on calendar year 2000 levels, and should be properly adjusted for healthcare inflation in years beyond 2000. We have not made any adjustments for the new Hospital Outpatient Prospective Payment System which is expected to take effect in early calendar year 2000. Our analysis is based on the current Medicare payment system in Part B services. Since Part B services and prescription drugs would now be included, the trend rate applied to the deductible in future years is critical to controlling the cost of Medicare.

Cost and distributions of costs are based on the 1999 Milliman & Robertson, Inc. Health Cost Guidelines Ages 65 and Over. These Guidelines are based on an extensive analysis of various data sets, including Medicare data.

The following caveats apply to our estimates:

1. The values included are estimates only. Actual results may be better or worse than anticipated and could vary from anticipated results. Thus, actual experience should be monitored closely and revisions made as necessary to maintain revenue neutrality and other objectives.

2. This letter assumes the reader is familiar with the Medicare program and should be reviewed in its entirety. Since our conclusions reflect assumptions specific to the Medicare program, they may not be appropriate from other situations. This letter is intended for distribution for all who request, and therefore should be used in its entirety. The results and assumptions may be misinterpreted if taken out of context. As such, portions of this letter should not be excerpted.

3. The opinions in this letter are those of the author and do not necessarily reflect the options of others in Milliman & Robertson, Inc. (M&R). M&R does not take any position on specific health care reform proposals. There is uncertainty associated with some assumption underlying this analysis. Changes in the assumptions may have a material impact on this proposal. Actual experience may vary from the results projected in this letter.

This letter is a revision of an earlier letter dated September 22, 1999. The assumptions supporting that document were tested independently by Guy King of King Associates. The changes made to that analysis are relatively modest, but we have not as yet asked Guy King for his comments on these changes. A copy of Mr. King's work to date was attached to our September 22, 1999 letter.

If you have any questions or need additional information, please call.

Sincerely,

MARK E. LITOW, F.S.A,
Consulting Actuary.

Mr. SMITH of New Hampshire. There it is, folks. It's revenue neutral.

Let me talk about the premium issue, because this I believe is the most explosive political side of this.

Seniors watch their budgets closely. If you try to sock them with a new premium, they will not be happy.

Let me remind my colleagues what happened the last time we tried to slap new premiums on seniors.

This picture is an incident that occurred when seniors who were angry with the enactment of the so-called Catastrophic Act assaulted Congressman Rostenkowski's car.

Congressman Rostenkowski wrote the legislation which increased premiums on certain seniors.

It would be a grave mistake to interpret seniors' desire for prescription drug coverage as a call for new higher premiums.

It would also be a huge mistake to think that there is any need for such premiums.

Let me show you how my plan compares with the Administration's plan as far as premiums and benefits.

This chart shows that the Clinton plan's benefits do not even start until 2003, and the benefits are not fully effective until 2009.

These premiums are just the new added government premiums. They do not count other premiums such as Medigap.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Year	Monthly premiums		Maximum annual benefits (50%)	
	Clinton	Smith-Allard	Clinton	Smith-Allard
2001	0	0	0	$5,000
2002	0	0	0	5,000
2003	$26	0	$2,000	5,000
2004	30	0	2,500	5,000
2005	34	0	3,000	5,000
2006	38	0	3,500	5,000
2007	42	0	4,000	5,000
2008	46	0	4,500	5,000
2009	51	0	5,000	5,000

Mr. SMITH of New Hampshire. This chart shows all the premiums seniors

would pay. As you can see the drug premium is nothing. If a senior has Medigap, premiums substantially decrease from current law under Smith-Allard. Under the administration plan, they stay the same—averaging $230.75 per month. So, if you compare all premiums, a senior would save an average of $96.83 per month.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MONTHLY PREMIUMS

	Clinton	Smith-Allard
Drugs	$51.00	0
Part B	45.50	45.50
Medigap	134.25	88.42
Total	230.75	133.92
Smith-Allard Premium Savings		96.83

Mr. SMITH of New Hampshire. Some might say this is not much money. But let's take a look.

What could a senior do with $96.83 each month?

You can see that this is a lot of money when you think of how it would impact other expenses seniors have.

These numbers come from the Bureau of Labor Statistics Consumer Expenditure Surveys.

Finally, Mr. President, we will look at annual deductibles.

Smith-Allard combines the hospital, medical, and drug benefits into a single deductible.

Because seniors spend an average of $670 per year, they would just about reach the full hospital and medical deductible with just drug expenses.

Under the Clinton plan, drugs don't count toward the deductible, so even though seniors would have a 50 percent drug benefit, they would not be paying down their deductible.

I have talked about this plan with seniors, and they understand this concept. They love it.

I ask unanimous consent that these charts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMITH-ALLARD

Saves seniors $96.83 in monthly premiums.

What could a senior do with $96.83 each month?

PRESCRIPTION DRUGS

Seniors average $55 per month on drugs.

The premium savings alone would pay for all their drugs twice.

FOOD

Seniors spend $235 per month on groceries. Premium savings pay for nearly half.

Seniors spend $99 per month going out to eat. Premiums savings pay for nearly all dining out.

ENTERTAINMENT

Seniors spend $87 per month on entertainment. Premium savings pay for all entertainment.

TAXES

Seniors spend $93 per month on Federal, State, and other taxes. Premium savings pay for all taxes.

ANNUAL DEDUCTIBLES

	Clinton	Smith-Allard
Part A	$776	
Part B	100	$675 combined.
Drugs	0	
Total deductibles	876	675

Mr. SMITH of New Hampshire. Let me just conclude speaking on this bill by saying that the benefits in this plan are delivered by private companies and regional entities, such as pharmaceutical benefit managers. These entities would negotiate with large drug companies and provide the drugs to Medicare seniors.

In addition, according to the actuaries who reviewed the legislation, there will be no adverse selection. Both the healthy and the sick will have an incentive to choose this plan. Everybody is in.

There are many different methods of providing prescription drug coverage for seniors, but I urge my colleagues—I plead with my colleagues—to look to the revenue-neutral methods that fund this benefit by the elimination of waste in the present system. I urge my colleagues to resist the temptation to raise Medicare premiums on the people who can least afford it.

I have vivid memories of seniors rocking Mr. Rostenkowski's car a few years ago when he decided to raise Medicare premiums. Let's look at it more specifically. The House's fiscal year 2001 budget—this is important—sets $40 billion aside for prescription drugs.

In the Senate, we are expected to do a budget that is going to set aside $20 billion now for prescription drugs, and $20 billion later.

We don't need either under my plan. We don't need any more money. We don't need $20 billion. We don't need $40 billion. We don't need $2 billion.

Let's use the money for debt reduction or tax credits for the uninsured rather than providing for prescription drugs. Let's use my revenue-neutral prescription plan instead.

I urge my colleagues to take a look at this approach. It provides prescription drugs in a way that will meet seniors' needs without hiking their premiums or adding more burden to the Federal treasury.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada, Mr. REID, is recognized to speak for up to 20 minutes.

INDEPENDENT COUNSEL

Mr. REID. Mr. President, this past Tuesday, the Washington Post carried a story reporting that Independent Counsel Robert Ray, a lawyer who was trained in prosecutorial ethics by Rudolph Giuliani and who took over the special prosecutor duties from Ken Starr, is planning on continuing and even expanding his investigation of President Clinton. Mr. Ray has hired six new prosecutors and another investigator and plans to increase spending over the next 6 months by $3.5 million. Under this plan, he is seriously considering indicting the President after he leaves office for a number of things. He includes perjury, obstruction of justice, making false statements, and even conspiracy.

When I read this story, to say the least, I was surprised. One year ago, I stood in this Chamber at this same seat during the impeachment trial of the President of the United States and compared what was happening then to literature. I can no longer make that comparison because what is happening here is too outlandish and unbelievable to qualify anymore as literature. Every great story has an ending. Every play has a denouement.

This investigation has already lasted 6 years. It has cost Nevada taxpayers and the taxpayers of this country more than $52 million, not counting the money this new prosecutor wants to spend in the next 6 months.

More than the length of this proceeding, more than the cost of this proceeding, this story has crossed the line from Kafka to ''The Twilight Zone.'' It has drifted from prosecutorial intemperance to the brink of lunacy.

A number of years ago, the very articulate, brilliant Supreme Court Justice Antonin Scalia criticized the independent counsel statute. He pointed out that with the typical criminal case, the prosecutor starts with a crime and then looks for the perpetrator.

But with an independent counsel, the prosecutor starts with a suspect and searches to find a crime—any crime—to charge him or her with. Once placed in office, the prosecutor has built-in pressure to bring a charge rather than exonerate his target in order to justify his very existence; and in this instance, the tens of millions of dollars already spent. There is no more perfect example to what Justice Scalia was talking about than this so-called case.

Let's trace the confused and wandering thread of this narrative. This all began with the 20-year-old land deal called Whitewater—an Arkansas land deal 1,500 miles from here. The special prosecutor spent millions of dollars. Nothing turned up. But he kept going. He put a woman by the name of Susan McDougal in jail for 2 years, even though she had committed no crime. There is no debate about that. And she had never been convicted in a court of law. There is no debate about that.

Why? He wanted her to change her testimony and implicate the President and the people at the White House.

She would not do that. She went to jail. Eventually, after an innocent person, who had never been accused of a crime, had languished in jail for years, he gave up on Whitewater. He, the prosecutor, gave up on Whitewater, but he did not give up on looking for something on the White House.

First, he investigated the unfortunate death of Vince Foster and reached

the same conclusion other investigators had already reached. It was a suicide.

I am personally resentful of what the prosecutor did in this instance. What he put the Foster family through is untoward, unfair, and immoral. My father committed suicide. It is very difficult for a family to go through a suicide.

Vince Foster was a good man. No one ever disputed that. He was despondent. He killed himself. That should have ended it. But no, what Starr wanted to do was to bring in all these conspiratorial theories that the President had had him killed.

Can you imagine that? One of the President's best friends, and he not only drags the President through this, but he also drags the Foster family through this.

This not only was immoral, in my opinion, but it cost millions of dollars. What did he get to show for it? Nothing. Then this prosecutor—persecutor, some would call him—took a look at the 1993 firings at the White House Travel Office, and reached the same conclusion that other investigators had reached. There was nothing there. Millions of dollars more, and nothing to show for it.

Then he took a look at a deposition in a civil suit brought by Paula Jones. That suit was dismissed by a Federal judge. But no matter, the prosecutor hired to look at a land deal had struck gold with a lie about a sex act in a case that was dismissed. He latched on to it, and refused to let go.

It did not matter that he did not have jurisdiction over this issue. He created jurisdiction by filing a statement with the Attorney General of the United States asserting the case had fallen into his lap by accident, when in fact there was credible evidence, sound evidence, that his staff had been in close contact with Paula Jones' lawyers from the very beginning and had worked with them and fed them information.

This is supposedly an unbiased prosecutor. He was obviously so excited about what he had found that he began leaking information to the press in violation of Federal law and Justice Department regulations. The court appointed an investigator to investigate the investigator. But no matter, he had found something that he could use to justify the millions of dollars he was spending, and he was not about to give it up.

His investigators questioned Monica Lewinsky alone in a hotel room. Can you imagine the audacity of this young woman asking for a lawyer? She asked for a lawyer. They denied her request. They would not let legal niceties get in their way.

A first-year law student knows a person being investigated for a crime is entitled to a lawyer. But not Ken Starr's minions.

The main evidence he had in this case were the tapes, the surreptitious tapes made by one Linda Tripp, who has been charged criminally by a Maryland grand jury for wiretapping. It did not matter that the tapes were made illegally. He was going to use them anyway. He kept on going. Still not enough.

When Monica Lewinsky would not cooperate with his probe, he dragged her parents before the grand jury. He subpoenaed bookstores to find out what kind of books they were buying and reading. The public was appalled. I was appalled. But he was still going to go ahead. Still not enough.

After investigating for a year, the independent counsel released a report to Congress that was embarrassing in its sexual explicitness and even more embarrassing in its biased reporting of the facts.

Monica Lewinsky said she had never been asked to lie and was never promised a job. But Prosecutor Starr never mentioned this once in the hundreds of pages of his report. It was so biased and so one sided that this, among other things, turned the public against the independent counsel and his unethical practices and unethical tactics. But no matter, he kept on going. Still not enough.

The House of Representatives voted to impeach on a straight party-line vote. This body, the Senate of the United States, voted on a bipartisan basis not to convict the President on any charge. Democrats and Republicans, listening to the evidence, voted not to convict.

The Congress of the United States then decided not to renew this awful law that authorized the independent counsel. I always opposed it. The law died last summer. And rightfully so. For 200 years, the Justice Department has done a good job. Over time, with the independent counsel we have had some real travesties. During the Reagan administration, what was done to that President by the independent counsel was wrong. We could go through other examples.

But even though the law died last summer, and it should have stopped there, it did not. Still, Starr had not had enough.

After failing to convict the President, in one last, desperate grab at the glory that he thought had escaped him, Starr focused the power of his office on a story told by a person by the name of Kathleen Willey—a story of an alleged touch that was completely irrelevant to his mandate.

Remember—Whitewater, Arkansas, 1,500 miles away.

When a friend of Ms. Willey, named Julie Hyatt Steele, dared to contradict the story, in effect, saying that Kathleen Willey was lying—how could she dare do such a thing?—Starr indicted her for perjury. And not only that—she could probably handle the perjury charge, which was so baseless—he threatened to have her children taken away from her. Who are these children? This good woman adopted orphans from Romania; and he threatened to send them back to Romania. What a guy—an innocent woman and her orphan-adopted children. These are the trophies that special prosecutor Ken Starr had to show for all of his efforts and all the pain he had caused. But, no, still not enough.

Our weary Nation was thankful when Starr began scaling down his investigation and, in October, finally resigned.

I thought that was the end of the story. Most Americans thought that was the end of the story. But surprisingly, apparently, shockingly, it is not the end. Still not enough.

The lynch mob, though, now has a new leader, one who is willing to prejudge the facts and unbalance the law in the spirit of his mentor, Rudy Giuliani, and, of course, his predecessor, Ken Starr. The new mob leader is Robert Ray. Apparently, he is not going to let the acquittal by this body, or the resignation of his predecessor, or the expiration of the statute under which he supposedly is acting, stand in his way. Still not enough.

This is a long, sad, and sordid story that should have ended long ago. The Office of the Independent Counsel has repeatedly stepped over the line of decency in its quest to find something—anything—on the President.

Now, the new special prosecutor says he is considering indicting the President after he leaves office next year. I say, enough is enough.

The President has been tried in this body. He has been acquitted. He suffered. His family suffered. His legacy is forever tarnished. He is deeply in debt to his lawyers. The Arkansas bar is considering withdrawing his license to practice law. He has not gone unpunished. Apparently, that is not enough for Mr. Ray; still, not enough.

In primitive legal systems, such as those of Communist countries and other totalitarian dictatorships, every minor technical violation of the law is met with the full force and fury of the government. Police are to be feared. But the greatness of our legal system is that it recognizes that because human beings are frail and fall short of perfection, mercy must season justice. At its heart, criminal law and the prosecutors charged with enforcing it exist to serve and protect the public. Our legal system contemplates discretion. Not every violation of the law should be pursued to the fullest extent because not every crime is the same. The decision not to prosecute or not to bring certain charges is as much of a prosecutor's job as a decision to bring charges.

When the impeachment hearings began, I cosponsored a censure resolution that in lieu of impeachment proceedings would have specifically provided the President remain subject to criminal actions in a court of law, such as any other citizen. That resolution was opposed in this body by Senators who instead voted to go down the impeachment road.

I was a trial lawyer before I came here. I understand there are offers of

settlement made and withdrawn. That was an offer of settlement that attempted to expedite things and not have the spectacle that took place in the Senate. But once it was decided that the proper legal course of action was to pursue the constitutional impeachment proceeding, the decision should have been final and binding. It was still not enough.

Even Ken Starr, the original prosecutor, is quoted in published reports as holding the belief that once the Senate acts on an impeachment vote, further criminal actions are totally inappropriate.

There is a concept in our system of justice known as double jeopardy. It applies here. That doctrine holds that there is a limit to what a Government prosecutor can do to a United States citizen. It recognizes that there comes a point where continued investigation crosses the line into inappropriate Government harassment. An investigation into the truth should not be allowed to become a vendetta against an individual. It does recognize that enough is enough.

Many of his critics suggest that the President does not have greater rights under the law than any other citizen of this country. I agree. That is true. But equally true is the fact that the President should not have fewer rights than any other citizen. What the President did should not be lightly or easily forgiven, but it should not be blown out of proportion either by an unrelenting, unfair, trophy-seeking prosecutor with an unlimited budget in search of a conviction that won't serve the cause of justice. This case has gone on far too long. Tens of millions of dollars, tragedy, embarrassment, double jeopardy—enough is enough.

It can best be summed up, Mr. President, by syndicated columnist Richard Cohen in today's Washington Post, printed in newspapers all over America, entitled, ''Independent Counsel Overkill'', which ends by saying:

> Give it up, Bob. Your best way of serving the country is to close down your office, lock the door and put Clinton behind you.
>
> The country already has.

Mr. President, I yield whatever time I have remaining to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I appreciate the yielding of time by the gentleman from Nevada. I ask unanimous consent to proceed as in morning business for 5 minutes, and following my remarks, Senator COLLINS of Maine be recognized to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JOHNSON and Ms. COLLINS pertaining to the introduction of S. 2419 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut, Mr. DODD, or his designee, is recognized to speak for up to 30 minutes.

ASSISTING COLOMBIA IN FIGHTING DRUG TRAFFICKING

Mr. DODD. Mr. President, I anticipate the arrival of several other colleagues who may wish to speak on the same subject matter.

Yesterday, members of the Senate Committee on Foreign Relations, and other interested Members of this body, had the opportunity to meet with the President of Colombia, His Excellency Andres Pastrana, during his visit to Washington. It was an extremely informative meeting. It was also apparent to all of us there that President Pastrana was terribly disappointed that the Senate of the United States had not approved, or even scheduled, early consideration of President Clinton's emergency supplemental request for Colombia to fight the narcotrafficking problem in that nation, which contributes significantly to the deaths and hardships in our own nation.

It is no hidden fact that some 50,000 people die in this country every year from drug-related incidents. Ninety percent of the cocaine and a significant amount of the heroin that is consumed in this country comes from Colombia.

Colombia has been devastated over the years by narcotraffickers. They are committed to trying to win this conflict. The European Community stands ready to help. They have asked the United States—the largest consuming nation of the products grown in their country—to be a part of this effort.

The leadership in this body has seen fit to delay this action until the normal appropriations process. I am disappointed by that, Mr. President. This is no small issue. It is a scourge in our streets. Clearly, we need to do as much as we can here at home, but this battle needs to be waged on all fronts, including in the production and transportation of nations such as Colombia.

Colombia's civil society has been ripped apart for decades by the violence and corruption that has swirled around their illicit international drug production and trafficking industry. High-profile assassinations of prominent Colombian officials who were trying to put an end to Colombia's drug cartels began nearly 20 years ago with the 1984 murder of Colombia's Minister of Justice, Rodrigo Lara Bonilla.

In 1985, narcoterrorists stormed the Palace of Justice in Bogota and murdered 11 Supreme Court Justices in that nation who had supported the extradition of drug kingpins and traffickers to the United States. In 1986, another Supreme Court Justice was murdered by drug traffickers, as were a well-known police captain and prominent Colombian journalist who had spoken out against these cartels. These narcoterrorists then commenced a bombing campaign throughout the year, in shopping malls, hotels, and neighborhood parks, killing scores of innocent people and terrorizing the general population.

Before drug kingpin Pablo Escobar was captured and killed by the police in 1993, he had been directly responsible for the murder of more than 4,000 Colombians. In 1994, it became clear that drug money had penetrated the highest levels of Colombian society and called into question the legitimacy of the Presidential elections of Ernesto Samper. Even today, fear of kidnapping and targeted killings by members of Colombia's drug organizations has Colombia's citizens living in fear for their very lives.

At this juncture, I ask unanimous consent that a column written by Thomas Friedman, which appeared last week in the New York Times, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 11, 2000]

SAVING COLOMBIA

(By Thomas Friedman)

BOGOTA, COLOMBIA.—I had a chat in Bogota the other day with a group of government officials and businessmen, and I asked them all one question: When you go outside, how many security guards to you take with you? The answers were: 20, 6, 1, 8, 10, 2, 3, 8 and 5. No surprise. Some 3,000 people were kidnapped here last year by guerrillas, and many judges and journalists threatened with chilling messages, such as having funeral wreaths sent to their homes—with their names on them.

This is the terrifying context we have to keep in mind as we consider whether the U.S. Senate should approve the $1.7 billion plan to strengthen Colombia's ability to fight drug traffickers and forge a peace with the guerrillas. There are two ways to think about ''Plan Colombia,'' One way is to get wrapped up in the details—the helicopters, the training. The other way—the right way—is to step back and ask yourself what kind of courage it takes to stay in Colombia right now and be a judge who puts drug lords in jail or a politician who fights for the rule of law—knowing the criminals have millions in drug money and would kill your kids in a second.

It takes real courage, and that's why the people trying to hold this place together deserve our support. Sure, the democratic government of President Andres Pastrana isn't perfect. But it has a core of decent officials who every day risk their lives by just going to work. Ask yourself it you would have the same courage.

I asked Mr. Pastrana why he stays. ''This is our country, it's the only country we have to leave to our children,'' shrugged the president, who was once kidnapped while running for Bogota mayor. ''I believe in this country so much that even after being kidnapped, and even after having my wife's father killed by kidnappers, my wife and I had another baby—a girl. Look, we've sacrificed the best policemen, the best judges, the best journalists in this country. Whatever you want to write about us, don't write that we are not on the front line in the war on drugs.''

I asked the head of Colombia's navy, Adm. Sergio Garcia, what it was like to be an officer here. He said it was sort of like being a movie star, with people always trying to get at you, only they don't want your autograph,

they want to kill you—''so even your friends don't want to be in a restaurant with you, and they don't want their kids near your kids.''

Colombians tell this joke: After god created Colombia, an angel asked God why he gave all the beauty to one country—rain forests, mountains, oceans, savanna—and God answered: ''Ha! Wait till you see what kind of people I put there!''

For years, Colombia's mafia processed cocaine grown from coca in Peru. But as Peru drove the coca growers out, they migrated to the rain forest in Southern Colombia—one of the largest unbroken expanses of rain forest left on earth, but also a region without much government. The drug mafia is now chopping down the rain forest—thousands of acres each month—then laying down herbicides, planting coca, processing it into cocaine in rain forest labs, throwing the chemicals in the rivers, and then flying the drugs out from grass airstrips.

Underlying Colombia's drug war is a real 40-year-old social struggle between Marxist guerrillas and rightwing vigilantes (32,000 killings last year). But let's cut the nonsense: Colombia's guerrillas may have started as a romantic movement against an unjust oligarchy—they may have started as a movement that ate to fight. But today, these guerrillas are fighting to eat—fighting the government because they make tons of money protecting drug operations in the rain forest. In between the guerrillas and the vigilantes (who also profit from drugs), Colombia's silent majority is held hostage.

Yes, Colombians are at fault for having been too tolerant of the early drug lords. And Americans are at fault for their insatiable appetite for cocaine. But here's the bottom line: If we give the Colombian majority the aid it needs to fight the drug Mafia there is a chance—and it's no sure thing—that it will be able to forge a domestic peace. If we don't—and this is a sure thing—the problem will only get worse, it will spew instability across this region, and the only rain forest your kids will ever see is the Rainforest Cafe.

(Ms. COLLINS assumed the chair.)

Mr. DODD. Madam President, the Colombian society is being ripped apart by this problem. It is estimated that there are a million displaced people in Colombia and that 100,000 a year leave Colombia because of fear for their lives over what these narcotraffickers and drug cartels have done to this country.

We often worry about political difficulties here. We get negative letters or nasty phone calls, and we think we are putting up with a lot.

In Colombia, if you take on the drug cartels, you and your family risk your lives. Journalists, judges, police officials, if they have the courage to stand up to these people, put their lives in jeopardy. This drug cartel would not exist but for the fact that Americans consume the products grown in this country.

I think we bear responsibility to work with a courageous government and a courageous people who are paying a terrible price because of our habits and our consumption.

For those reasons, I am disappointed we can't find the time to bring up this supplemental bill, deal with this issue, and offer help to the people of Colombia and to the government of Andres Pastrana, who has shown remarkable courage. This President was kidnapped by these very people. He is not just intellectually committed to this; he knows what it is like to be terrorized by these people. He is committed to doing everything he can. He can ask us for our help, but we cannot seem to find the time to bring up this issue.

When people wonder why we are not dealing more effectively with the drug problems of this country, you can point to this. We spend days discussing insignificant issues, in my view, by comparison to this. Yet we are told by leadership we don't have time to bring up an issue. At least debate it, and vote it down, if you want, but give us a chance to vote on whether or not we think providing $1.3 billion over the next several years to the people of Colombia to fight back is worthy of this institution's time. I think it is.

The President has asked for it. The House of Representatives, to their credit, has done so. Yet this body refuses to bring up this matter, even to discuss it on the floor of the Senate.

The legacy in Colombia is a legacy that President Pastrana confronted when he assumed office in 1988. He inherited the reins of government. Since then, he has demonstrated, in my view, leadership and a firm commitment to address the myriad of challenges facing his nation—drug products and trafficking, civil conflict and economic recession.

I have enormous respect for the manner in which President Pastrana has so quickly and aggressively taken steps to entice Colombia's largest guerrilla organization—the so-called FARC —to come to the negotiating table following on the heels of his election to office. The agenda for those ongoing talks covers the waterfront of economic and social issues that must be addressed if four decades of civil conflict are to be brought to a close.

President Pastrana has evidenced similar courage and a vision in tackling Colombia's illicit coca and poppy cultivation and processing industry. He authorized the extradition of a number of Colombia's most notorious drug traffickers to the United States, an extremely controversial decision in his country. He has also crafted a national plan—the so-called Plan Colombia—to address these intertwined problems in a comprehensive fashion.

President Pastrana has made it clear to us that the Government of Colombia is prepared to do its part in making available its own resources—billions of dollars—to fund the various elements of that plan for alternative development programs, for protection of human rights, for working for the resettlement of displaced persons, and for judicial reform, as well as assistance and training for Colombia's military police, the counternarcotics forces.

During our meeting yesterday, President Pastrana made it clear as well that he needs to seek and intends to ask for international cooperation if his plan is to succeed. In fact, he left last evening for London to meet with members of the European Community and has already received favorable indication that the Pacific rim will be a part of this international effort.

Colombia is currently the world's leading supplier of cocaine and one of the major sources of heroin. We are the largest consumer of these products. But this isn't only President Pastrana's problem; it is obviously ours as well.

All of the enormous demands in the United States and Europe for illicit products grown in Colombia are clearly an important part of the equation in keeping drug traffickers in business.

Moreover, despite billions of dollars spent here at home on law enforcement and drug education designed to reduce the U.S. demand, illicit drugs and consumption continue to pose a threat to the safety of our streets and to the health of the next generation of adults.

I know earlier today my good friend and colleague from New Hampshire, Senator GREGG, spoke about the fact that he is concerned that not enough money is being spent on domestic-related programs and programs to protect our borders against the onslaught of foreign drugs. If one looks at the full picture of our counternarcotics efforts, only a modest amount is currently being spent on the supply and reduction of the source.

Assuming Colombia's supplemental is approved, only slightly more than 15 percent of the total counternarcotics budget is being spent on programs off our shores where the products are grown: $2.9 billion out of a total of $18.5 billion is what the Colombian program has adopted, which would be roughly half of what is being spent overseas; $1.3 billion is being requested. A little more than $1 billion right now is being spent off our shores. More than $2 billion currently is being spent on border programs alone in this fiscal year.

If we do nothing to stem the supply at the very source, where it comes from, then I don't see how a border program alone can prevent the exploding supply of drugs from reaching America's streets and communities—rural and urban.

I am all for adding more money to programs—as the Senator from New Hampshire talked about—in the Drug Enforcement Administration and the Coast Guard. But I think we are kidding ourselves when we believe border programs alone will shut out illegal drugs. We need to attack this problem also at its source. There is not one place where this battle is going to be won.

We need to do everything we can to make our borders more secure. We need to make sure our police departments have the tools necessary at the local level. We need training programs and rehabilitation programs to get people permanently off these substances.

But we also need to attack the problem at its source. That also is part of the answer. It is also why it makes

sense for Congress, in my view, to act expeditiously on President Clinton's and President Pastrana's request to us, so we can attack the drug problem as vigorously as possible at all these sources but particularly in Colombia.

It is in our interest to provide Colombian authorities the wherewithal to gain access to areas in southern Colombia and elsewhere where coca and poppy cultivation has exploded in recent years but where guerrilla organizations and right-wing paramilitary units have made interdiction efforts extremely difficult to conduct safely.

President Clinton has decided that Plan Colombia is worthy of U.S. support. The House leadership has also decided that it is in our national interest to do so.

Fifty-two thousand Americans are dying every year in drug-related deaths. That is almost as many as died in the entire Vietnam conflict. Every year, we lose that many in drug-related deaths. If that is not a U.S. interest to which to try to respond, I don't know what is. As much as we need to fight this at home, we also need to fight it at its source.

There is clearly bipartisan support for this program. It is not perfect. It is not a program I would even necessarily write, nor maybe the Presiding Officer, nor would my colleague from California, whom I see on the floor. But let's not fly-speck and nickel-and-dime this issue. Let's at least get it to the floor, debate it, discuss it, amend it, and modify it. But don't deny us a chance to even vote on this issue as we now enter another recess this year. For another 10 days, we will not be here. The House is out, I am told, maybe another week after that. Then it is May, June, and July. How many more deaths will there be on our streets? How many more Colombians have to die because of U.S. consumption and addiction?

They have a democratic government, the oldest democracy in Latin America, whose very sovereignty is at stake. This country is being ripped apart. They are asking for our help, for the cooperation of Europe and other nations to fight back against these people and this multibillion-dollar operation.

We don't even have the time to debate or discuss it.

I promise you that over this Easter break, there will be a lot of speeches given about the problems of drugs in our streets and our narcotics efforts. Yet another day will go by when we cast one vote here, or two votes here—maybe—and no effort is made to bring this matter to the attention of the American public and to debate it on the floor of the Senate.

Despite this bipartisan support, the measure is currently stalled. In the Senate, the majority leader suggested the clock has run out on an emergency supplemental. That has not been the history or experience of the Senate. We have dealt with many supplementals after April. I hope maybe we can do so in this case as well.

We asked President Clinton during our meeting for his assessment of the likelihood that Plan Colombia will work in the absence of U.S. assistance being forthcoming in the near future. We also asked about the prospects for other governments contributing resources to this effort in the absence of U.S. moneys being forthcoming. President Clinton stressed unequivocally that the support of the United States is the linchpin to getting additional international support and for the ultimate success of this plan.

Time is running out for the people of Colombia. Madam President, 100,000 are leaving every year. A million are displaced. Thousands die every year. We need to act now and provide the necessary funding so that Plan Colombia can be fully implemented. It is the only way I know to protect the democratic institutions of that country and throughout the region from falling prey to the criminal assaults of illegal drug cartels. Moreover, it is in our self-interest to do so. It is the only way to ensure that our children will be free from the threat of drug peddlers as they walk to and from school every day, that communities are safe from drug-related crimes which have taken the lives of too many innocent victims.

There is still time to act and I hope we do so. I think it is tragic we have not. I note the presence of my colleague from California, who has been one of the stalwarts for years on this issue, and I am pleased she is here to talk on this subject as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I begin by thanking the Senator from Connecticut. I don't think there is anyone else in the Senate who has the kind of expertise about South America as has Senator DODD of Connecticut. He speaks the language. He has studied. He has traveled in the country widely. He has been to Colombia.

On how many occasions has the Senator been to Colombia?

Mr. DODD. I just came back. I was there a couple of months ago and spent time with President Clinton and others involved in this effort. The most recent visit was just a few weeks ago.

Mrs. FEINSTEIN. I think the Senator has stated the case about as well as it can be stated. I have never been to Colombia. I come at this a little differently, as one who has watched the development of major narcotics trafficking over a long period of time. My State is very much influenced and affected by this kind of narcotrafficking.

I have worked with Senator COVERDELL of Georgia in the certification of Mexico. I have watched the development of the big transportation cartels because Colombia is the source country of most of the cocaine. I have watched the big transportation cartels develop in Mexico. I have watched them interface with gangs in our country. I have watched California become the export State of gangs. The Crips and Bloods started in Los Angeles and are now in 118 American cities. I have watched the gang deaths in America over drugs.

It is a huge problem. I have watched the debate over supply versus demand. We spend dollars on demand. In fact, local jurisdictions are the ones that mount the demand programs, the prevention, the counseling, the drug abuse programs. The one area in which the Federal Government has total responsibility is interdiction at our borders; it is international narcotics, trafficking, and control. These big amount of drugs come from outside of the United States; therefore, what we do affects our role.

I did not know President Pastrana. The chairman of the Appropriations Committee, on which I am fortunate to sit, had a meeting with him in the appropriations room during his last trip. I met this young President for the first time. Prior to that, I had been visited by the head of the military under the former government who pointed out with great alarm what he thought was happening and even said he didn't think Pastrana was being strong enough in the drug area.

The former head of the military pointed out to me that a third of the country at that time was under control of narcoterrorists. That is a country the size of Switzerland. That is how large the geographic area is. He pointed out that a million and a half citizens were refugees within their own country; 300,000 had fled. He believed that 60,000 had tried to come into this country illegally, people who were devastated by this, running in fear for their lives because of it.

We do have a role to play. He pointed out to me there were 3,000 citizens held hostage by narcoterrorists, 250 of them local police, 250 of them soldiers. Nobody knows what happens to these people.

I met President Pastrana. He was a very sincere leader, a leader who had been sobered by this, a leader determined to do something about it, a leader pleading for backup and help by the United States.

Is it in our national interests to help? I believe it is. All of these drugs come to our country, all of these cartels interface with American gangs, all of these cartels are brutal. They kill anyone who stands in their way—even a Catholic cardinal in Mexico. They kill newspaper heads who write against them. They kill anyone who stands up and says no.

The question that Tom Friedman mentioned so eloquently in his New York Times column—and I ask this of the Senator from Connecticut—if someone comes to you and says: here is half a million in an envelope, here is a picture of your wife and where she has her hair done, and a picture of your children and the schools they go to, which will you take?

I ask the Senator from Connecticut what kind of courage does it take to stand against that kind of entreaty?

Mr. DODD. The Senator from California has answered her own question by raising it. It takes a remarkable amount of courage.

I noted earlier and introduced as part of the RECORD the article by Tom Friedman because they so clearly made the point, of the courage of these people. I mentioned 11 members of the Supreme Court in Colombia were gunned down in 1985. Literally thousands of people are kidnapped and executed every year; journalists, just by being there and speaking out or saying anything against these narcotraffickers.

This is a business that collects $60 billion a year from this country alone. President Pastrana tells me that in Colombia $100 million is used just to bribe local police officers and functionaries who in some cases earn less than $100 or $200 a month to raise their families. Then someone shows up and offers them an envelope of thousands of dollars to turn the other way, look the other way, don't examine the truck.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. DODD. I am happy to yield to the Senator.

Mrs. FEINSTEIN. I have seen it impact our border areas in the United States. I go down to Otay Mesa where trucks are lined up by the thousands and you have Customs agents who maybe earn $45,000 or $50,000 a year—we know some trucks are loaded with tons of cocaine, with street values of millions of dollars—taking a bribe, maybe half a million dollars just to turn their head and let that truck go through.

This is where the corruption becomes so evil and where it is not just confined to jungle areas of Colombia or outposts in Mexico or anywhere else in the Andean region but comes right into the United States as well.

Mr. DODD. If the Senator will yield further, it is this corrosive corruption that spreads. It begins in a small hamlet or borough in Colombia, and once it gets through there, then it reaches up into the higher elevations of Government there and then spills across the borders. Before you know it, as the Senator from California has pointed out, it spreads. If you do not stand up to these people early on and fight back, then you, in a sense, become an accomplice to the results, to what occurs.

We have been asked, as the Senator from California has pointed out, by the good and decent Government of President Pastrana, that our Nation step up and help—not do it all, not take on the entire responsibility, but to help him regain the sovereignty of his own nation, to eliminate the corruption, and give the people of Colombia a chance for a decent future.

Our inability to bring up this supplemental to at least debate and discuss this issue is deplorable and sad, deeply sad—that we do not have the time, apparently, to discuss this kind of issue which can make such a difference in the lives of the people of Colombia and, more importantly, in some ways, to the citizens of this country who lose their children every day to these drug cartels, these gangs terrorizing the streets of this country because of drugs. Mr. President, 52,000 a year die on average in drug-related deaths. If that is not enough of a U.S. interest to respond to it, I don't know what is.

Mrs. FEINSTEIN. I thank the distinguished Senator from Connecticut. I think the point is well taken. I, for one, was delighted—because I tend to read all of Tom Friedman's articles in the New York Times—he spent time in Colombia. I was so pleased that he saw what was the central point in all of this debate. I want to quote him. I know the Senator did earlier, and I hope this is not redundant.

He said there are two ways to look at Plan Colombia. One is to get wrapped up in the details—the helicopters, the training, why we might or might not like it. The other way, and he suggests the right way, is to step back and ask yourself: What kind of courage does it take?

That is what we are talking about here, what kind of courage it takes to stay in Colombia right now—to be a judge who puts drug lords in jail or be a politician such as the President of the country, or the Attorney General, or the generals of the army, or local public officials who fight for the rule of law, knowing that criminals have millions of dollars in drug money and would kill their kids in a second. That is not an esoteric concept. The numbers of children of families who have been killed in drug wars are legion.

These people do not care for anybody who stands in their way. The debilitating part about it is the ability to corrupt to get your way. How many people can actually stand up to that? We see over and over and over again where a respected public official, a police officer, a judge, a prosecutor gives in to this kind of tyranny. The Ariano Felix Cartel in Mexico is notorious for this. They will kill anybody standing in their way. Their cocaine comes right out of Colombia. There you have the narcoterrorists controlling a third of their country and everybody and everything within that third.

So the real courage, as Mr. Friedman points out, is that the people who are trying to do the right thing deserve our support. This is our hemisphere; it is not another hemisphere. The results of drug trafficking, the results of narcoterrorism, only spread. They do not contain themselves; they spread. The spread is northerly into our country.

So I make this point again and again and again: This supplemental appropriation, an appropriation in our budget, is in our national interest. It is in the American national interest to stand tall against the cartels, to stand tall against this kind of terrorism, to support public officials who are willing to do the same thing. That support should be for the Attorney General of Mexico, the President of Mexico, the President of Colombia, the Attorney General of Colombia, the Judges of Colombia, the people who have been able to come back from M–11 and what was done in their country to try to institute a democracy. These are the people who recognize that, yes, there are problems but they are trying to make the changes. The people who plead to this country say: Help us. Don't do the whole thing; just do a part of it. Put your imprimatur of leadership on it so other nations will follow and so we will have the ability to control something which, if we do not, will spread through the whole Andean region and, I contend, to Mexico and to the United States as well.

I think you have, essentially, a major battle in this area of South America that will effectively determine the future of these countries—Colombia, the Andean region, Mexico—and to a degree our own country.

I very much hope people will reconsider and really look at how important it is to stop this trafficking. I remember the day—and it was in the 1980s—we in the cities of America never saw an arrest involving a ton of cocaine or a ton of any other substances, hundreds of pounds of drugs at one time. Now the arrests are being made, and they are finding 5 tons, 6 tons, 4 tons.

The business that is inherent in this, the corruption that comes with it, is so enormous it is beyond anything we can possibly conceive. The complicity by transportation companies is one of the reasons Senator COVERDELL and I worked together on this drug kingpin bill, to apply the RICO statutes to companies doing business with the cartels who simply turn their heads when there are 5 tons of cocaine on a train coming into this country or in a container as part of a fleet of trucks that come across the border every day. People have to open their eyes. They have to see what is happening. We have to begin to support the leaders who will stand tall.

I will be very candid with the Senator from Connecticut and our distinguished Presiding Officer from the great State of Maine. If somebody came to me with a picture of my daughter or my granddaughter, I don't know what I would do. I don't know. I believe I would tell them where to get off, but I don't really know. It is like the person who jumps in the river to save someone who is drowning. You don't really know until you are in that situation.

The fact is, thousands of people in Colombia are in that situation on a daily basis. What they are saying is: Help, United States. Use your leadership. Give us the resources because we need helicopters that can fly at a certain altitude and have a certain range. The Huey cannot do it; it is the Black Hawk. We need a certain altitude for certain areas. The Huey can't do it; give us the Black Hawk. Help us with some of this other equipment we need and stand by us as we make the battle real.

If we are to put our money where our mouth is, it has to be to fight the major trafficker. It has to be to fight the narcoterrorist. It has to be to stand up for the political leaders who are willing to stand against them.

Mr. DODD. Madam President, if my distinguished colleague will yield one more time, I commend her immensely for her heartfelt statement and use this as another appeal. We are leaving for another week now. There are only two of us here, but I suspect our sentiments are shared by a majority of our colleagues, both Republicans and Democrats. We make an appeal to the majority leader to reconsider this decision on bringing up a supplemental, a boiled-down one if necessary, to focus on this issue and a couple of others that legitimately fall into the category of emergency.

I say this because I think the last statement made by our distinguished colleague from California is an important one. What we say here does not go unnoticed. What we do here or not do here does not go unnoticed. The greatest fear the narcotraffickers have is that there will be a united front to take them on.

That is their greatest fear. They worry about a government in Colombia that is not afraid to extradite. They do not want to be extradited because they know we are not afraid to lock them up forever, if necessary. They are frightened about a European Community and other Latin American countries joining in a common effort. As every one of these leaders will tell you, they know what happens in Colombia can happen in Venezuela, in Ecuador, and happened in Peru. It is happening in Bolivia. These are better financed operations than any insurgency we have seen before with millions of dollars.

Mrs. FEINSTEIN. Can I ask the Senator a question? I believe the Senator was in the Senate when President Bush gave the order to send American troops to Panama because so many heavy narcotics were coming through Panama, much of it under the control of one person, a general by the name of Manuel Noriega. They picked up this general and brought him back to the United States for trial. To this day, he is in Federal prison in the United States, and the problem has been remedied in Panama. This was the kind of direct recognition of a problem and a response that has solved the problem. Does the Senator agree?

Mr. DODD. I do. I say to my friend and colleague from California, I remember it very well. In fact, the decision to go in was made late at night. There was talk about it ahead of time. I received a call, as I think other Members of the Senate did, in the wee hours of the morning informing us that the effort was about to be undertaken.

I recall early that morning going on a couple national television programs to discuss it. I expressed my strong support for what President Bush was doing in Panama. I thought it was important he have bipartisan support in the effort in Panama.

The Senator from California is absolutely correct, General Noriega was removed. While the problem has not been eliminated entirely in Panama, that action certainly made a huge difference. It is a good case to point out.

We need that kind of leadership in the Senate on this issue, in my view. The narcotraffickers in Bogota, Colombia, in the flatlands, the llanos, as they call them, of southern Colombia know what we are not doing in the Senate. They know President Pastrana has asked for our help. They are watching, and they see a Senate of the United States that says it does not have time to bring this up or does not think it is that important to bring up. I can tell my colleague firsthand there is no more encouraging sign to these people than our apparent disinterest in the subject matter.

Every day we wait and do not respond, their grip grows stronger. I am not exaggerating when I tell the Senator that the sovereignty of this country of Colombia is at stake.

The Senator from California has pointed out a third of the country has already been lost to them. The oldest democracy in Latin America can be lost. Mark my words. This is a well-heeled and well-financed operation. Millions of dollars every day pour into the coffers of these insurgency groups through the narcotrafficking efforts. If we wait another week or another month, we make it that much more difficult to address this issue. We have a courageous President and a courageous country in Colombia and other nations willing to step up.

We are the largest consuming country. We are the addicted nation. The reason these campesinos and farmers grow the poppy seeds and grow the heroin is because there are people here who consume it.

The journalists, the politicians, the judges, and the police officers are willing to fight back. They want to know whether or not we are going to join with them in that fight. That is all we are asking: Stand up and join them in that fight.

I am hopeful, again, before too many more weeks go by that we will respond. The admiration I have for the House for having done so is tremendous. My admiration for the President for calling on us to do it is tremendous.

Mrs. FEINSTEIN. Can I bring up another subject? One of the criticisms I have heard is we spend too much on this kind of activity already, and we need to spend more on demand. In fact, as we both know, there are provisions in this bill to meet the demand needs in our own country.

Mr. DODD. Right.

Mrs. FEINSTEIN. I was interested in finding out how much of our entire drug control budget is devoted to international drug control efforts. Does the Senator have an idea what that amount is?

Mr. DODD. I do. The total amount we spend—my colleague can correct me—is about $18.5 billion total—domestic and foreign, all the efforts. Of the $18.5 billion, if one excludes the Colombian plan money, it is about $1.5 billion out of the—three my colleague is about to say?

Mrs. FEINSTEIN. No, it is 3 percent.

Mr. DODD. Three percent.

Mrs. FEINSTEIN. Only 3 percent of that entire drug budget, which the Senator just accurately stated, goes to international narcotics control. Yet we know the drugs are coming in in 5-ton lots. We know the one area of responsibility we have is to control the borders in international drug control. No local government can do that, most certainly, and yet only 3 percent of the budget goes for that.

Mr. DODD. My colleague says we spend about $2 billion on our borders, as she points out, and on the drug abuse programs, the efforts of local authorities, but it is a fraction. I am not suggesting and I do not think my colleague from California is suggesting we spend all of the money there or even a half of the money there. This is a multifaceted effort.

We have to spend it locally. We have to fight it at the local level. We have to have rehabilitation efforts, drug abuse efforts. We have to be fighting it at the borders of this country, but we also need to go to the source, and we are not going to the source.

Here is a country willing to fight back. Many times we find it difficult to get cooperation from governments. Here is the President of Colombia who was kidnaped and knows firsthand what it is to live under this kind of system, who is coming to us and saying: Look, we are going to put $4 billion of our own money into this effort. The Europeans are willing to step up. Can you help? The addicted nation, can you help?

Up to this point, this Chamber has said no.

Mrs. FEINSTEIN. I will conclude with one additional comment. Colombia is the source country for 80 percent of the cocaine consumed in this Nation. It is the source country of 70 percent of the heroin consumed in this Nation. It is a country under siege. It is a country where one-third of the geographic area is controlled by narcoterrorists, and it happens to have a government that is willing to stand up and say: We want to do something about it. United States, help us in a multilateral effort do something about it.

This Senate is saying it does not have time to consider the request. It is in our national interest to consider the request. It is in our national interest to have debate on the request. It is in our national interest to appropriate the dollars for this request.

I end by summarizing something Mr. Friedman said in the New York Times:

> If we give the Colombian majority the aid it needs to fight the drug Mafia, there is a chance—and it's no sure thing —that it will

be able to forge a domestic peace. If we don't—and this is a sure thing—the problem will only get worse, it will spew instability across this region, and the only rain forest your kids will ever see is the Rainforest Cafe.

I thank the Chair, and I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. KERREY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business until 2 o'clock.

THE WEALTH GAP

Mr. KERREY. Mr. President, in the debate over tax cuts our attention is understandably drawn to the question of who pays those taxes and from this a debate commonly ensues over who should get the benefits of tax reductions. This argument leads us to consider the disparities of income and the need to make certain that our tax laws are not written so as to increase income inequality and hopefully to write our tax laws in order to give a boost to those whose wages are lower.

Today, I rise to talk about a problem facing Americans that is related to but different from the income inequality. The problem I will address today is the growing gap between the richest Americans and the poorest.

The latest Statistics of Income Bulletin from the IRS shows that the combined net worth of the top 4.4 million Americans was $6.7 trillion in 1995. In other words, the top 2.5 percent of our population held 27.4 percent of the Nation's wealth in the mid-1990s. No doubt this group of wealthy Americans feels very financially secure.

But what about the other 97.5 percent of Americans? Is the security of wealth spread in a reasonably equitable way across all American households? The answer in my view, is a tragic and emphatic no.

Although there is a perception that the recent rapid growth in the stock market has produced widespread economic gains among all income groups, a majority of households still do not own stock-based assets and, thus, have not participated in the growth of the 1990s economy. A complete picture is presented in the United States Federal Reserve's Survey on Consumer Finances. This report provides us with the following statistics:

Since 1989, the share of net worth owned by the top 1 percent of American households has grown from 37.4 percent to 39.1 percent, while the share of net worth held by the bottom 40 percent of households has dropped from .9 percent to a statistically near insignificant .2 percent.

Nearly 60 percent of the wealth held by families in the lowest 90 percent of the population is in the family home—not liquid assets that can be used as a source of income and security at retirement. Families in the lowest 90 percent of the population had only 3 percent of their assets in stocks and bonds.

While an increasing number of Americans are purchasing stock-based equities—49 percent in 1999 vs. 40 percent in 1995—only 29 percent of households own stock worth more than $5,000, and the top 10 percent of households in the distribution hold 88.4 percent of the value of all stocks and mutual funds. In fact, the top 1 percent holds 51.4 percent of the value of all stocks and mutual funds—while the bottom 90 percent hold just 11.6 percent of the total value.

These statistics show that the gains of the great 1990s stock market runup have not benefitted a majority of Americans. The gains have not narrowed the gap between the wealthiest in America and the poorest in America. In fact, the data analyzed in a study done by the preeminent wealth statistician, Mr. Ed Wolff, reveals that the wealthiest 10 percent of households enjoyed 85 percent of the stock market gains from 1989 until 1998.

Why should we be so concerned about the growing wealth gap? I believe the answer is that the ownership of wealth brings security to people's lives and because the ownership of wealth opens up new opportunities and because the ownership of wealth transforms the way people view their futures.

An individual with no financial assets—and no means to accumulate financial assets—cannot count on a secure retirement, cannot ensure that his or her future health care needs will be met, and cannot save effectively for important life milestones, such as the purchase of a first home or the funding of a child's college education.

Americans clearly understand and desire the freedom and security that comes with wealth. We can point to the ongoing increase in participation rates in 401(k) plans as evidence that people are concerned about amassing wealth for a secure retirement. We can even point to the continued growing popularity of lotteries and game shows like ''Who Wants to Be A Millionaire'' as evidence that people value the security of wealth—especially wealth that is acquired quickly.

The virtues of savings and wealth accumulation are clear. But if the virtues are so clear, why aren't more Americans voluntarily increasing their savings? Not a TV show goes by without an advertisement from a financial services company offering investment advice and investment products. Not a week goes by without a front page story about the Social Security funding ''crisis''—implicitly warning people to save for their own retirements. So why aren't more Americans saving?

I have identified barriers that I believe continue to prevent a substantial portion of the American population from being able to save, to invest, and to accumulate wealth.

Barrier No. 1 is education.

No single factor is a greater predictor of income and wealth than education. Property educated and trained individuals can command a premium salary because they are in high demand and in short supply. Only one-third of households are headed by someone with a college degree. These households have a median before-tax income of $55,000 and a median net worth of $146,400. Households headed by a person with no high school diploma have a median income of $15,500 and a net worth of $20,000.

In addition to disparate levels of educational attainment, there is a huge problem in America with a specific lack of investor education. Economics and Finance are not required courses in most school districts across the United States. As a result, too few people understand the magic of compounding interest rates and, as a consequence, wait too long to begin saving for their retirement.

The second barrier is income.

Of course, one of the fundamental rules of wealth accumulation is that you must have income that you can set aside in order to create substantial wealth. A quarter of families in the United States are bringing home between $10,000 and $25,000 a year. Forty percent of American households are bringing in less than $31,000 per year. After FICA taxes of $2,372 and $2,600 in Federal and State income taxes, a typical family of four has little left over for savings.

Not only have low and moderate income Americans not shared in the growth of a booming stock market, but they have also not shared in the growth of weekly paychecks. According to the most recent Survey on Consumer Finances by the Federal Reserve Board, mean income grew between 1995 and 1998 only for families headed by individuals with at least some college education—mean incomes for all education groups in 1998 were lower than they had been in 1989. Median income only rose appreciably between 1989 and 1998 for those with a college degree.

When you look at two of the lowest income groups, the story of income stagnation is quite grim. Nearly 13 percent of families earned less than $10,000 in 1998. The median salary of this group was $6,200—a real decline of 6 percent since 1989. Nearly one-quarter of families earned between $10,000 and $25,000 in 1998. Of these families, the median salary was $16,900—a real increase of only 2.4 percent since 1989. Clearly, the capacity of this group to save on its own is very limited.

Barrier No. 3 is payroll taxes.

The payroll tax may not seem like much of a barrier to Americans with

income over $100,000, who only have to pay taxes on the first $76,200 of income, but to American families earning less than $25,000—40 percent of all households—it is a tremendous bite. The total payroll tax paid by an individual earning $25,000 per year and his employer is $3,825. This is several times greater than their income tax bill. For those who propose spending the Social Security tax surplus to enhance Social Security or Medicare benefits, it is worth noting that the lowest 40 percent of American earners pay more than 40 percent of the benefits for both Social Security and Part A Medicare. And those are the individuals must apt to be uninsured.

Barrier No. 4 is the burden of debt.

Consumer debt has a major impact on a household's ability to save. According to the latest SCF, households earning less than $25,000 annually bear the most significant burden of debt compared to their income. The median ratio of debt payments to income among those earning less than $10,000 is 20.3 percent; among those earning $10,000 to $25,000, the ratio is 17.8 percent. In fact, 32 percent of those making less than $10,000 pay more than 40 percent of their income in debt payments, an increase of 16 percent since 1995. About 20 percent of those making between $10,000 and $25,000 devote more than 40 percent of their income to debt payments. Finally, 15.1 percent of households with less than $10,000 of income had debt payments 60 days past due—a doubling since 1995—which not only reflects an inability to keep up with debt payments but also contributes to bad credit and an inability to purchase a future home, etc.

The Federal Government's publicly-held debt also has an indirect impact on the ability of workers to save. As a major borrower, the Federal Government increases interest rates. Higher interest rates lower private capital formation, which in turn hampers growth in productivity and living standards. In addition, higher interest rates on government debt translate into higher interest rates on mortgages, student loans, and credit card debt. When individuals pay higher interest rates, fewer resources are available for saving and investing.

With all of these barriers to wealth accumulation, what can we, as lawmakers, do to eliminate these barriers? I believe the answer is twofold. We must create new savings incentives for low and moderate income workers and we must create a mandatory savings mechanism for all workers.

A number of legislation initiatives have been offered to help low and income workers save. For years, Senator LIEBERMAN has championed an effort to expand Individual Development Accounts beyond a pilot program. IDAs are a way to encourage lower income folks to save for the purchase of a home, the establishment of a business, or education.

President Clinton has offered an interesting plan to get low and moderate income families to participate in employer pension plans through a government savings match program. While Senators GRAHAM and GRASSLEY and Representatives PORTMAN and CARDIN have offered comprehensive pension reform proposals designed to expand pension coverage among low income workers.

I, along with a bipartisan group of Senate and House Members, have introduced a Social Security reform plan that allows workers to put a portion of their FICA tax dollars into individual savings accounts. Our plan also calls for an additional government savings match program for low income workers. In addition, our plan calls for opening mandatory savings accounts at birth through the KidSave program.

What would this plan do? Fifty years from now we would have a much different wealth distribution situation in America. Men and women who today have no chance of accumulating real wealth would accumulate the kind of wealth that provides them with meaningful financial security. A new generation of Americans would be heading toward their retirement years less dependent on government transfers for health or income. If this plan were enacted, it would immediately change Americans' attitude towards saving on account of informing tens of millions of the power of compounding interest rates.

Sadly, critics of this proposal to help low income workers acquire assets and share in the growth of the American economy too often misdescribe the impact. The key line that is used in opposition is: ''I am against privatization of Social Security.'' This line will usually produce a round of applause with senior groups who would not be affected by any of the proposals. Even sadder, these critics are also the same ones who prefer to merely offer solutions that include transferring more income and thereby increasing dependency on the Government. I do not believe proposals that merely transfer more income will solve the problem of inequitable distribution of wealth.

Ownership of wealth is a much more reliable way of becoming financially secure in old age than promises by politicians to tax and transfer income. Ownership of wealth produces greater independence and happiness. The maldistribution of wealth, the rich getting richer and the poor getting poorer, is not healthy for a liberal democracy and a free market economy such as ours. The costs of financing health and retirement income needs of the baby boom generation exceeds the tax paying capacity of the generations that follow them.

So, Mr. President, after we have spent time debating the need to solve the problem of income inequality we need to turn to the matter of wealth inequality. And when we do we will quickly learn that we will not solve the problem of the rich getting richer and the poor getting poorer by beating up on the rich. We will solve the problem by lifting the poor out of poverty with programs that enable them to accumulate wealth in a variety of ways including modernizing and improving the Social Security program so that it becomes a means of saving money and a mechanism for transferring income.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield 1 minute of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AIDAN MICHAEL CRAIG

Mr. CRAIG. Mr. President, at the end of the day, we are going to be adjourning for the Easter recess, or at least that is what is anticipated at this time. This Easter recess is going to be a special time for me because I am going home to Idaho to see a new grandbaby I have not yet seen, except by pictures that have been transmitted through the Internet.

His grandmother has already been out there to hold him in her arms. Both Suzanne and I are extremely excited that our son Mike and his wife Stephanie have provided us with a beautiful new grandbaby called Aidan Michael Craig.

We have already enjoyed the excitement of grandmother and grandfatherhood, and now we have one more extension of that. This coming week, I am going to have that unique privilege that only comes with being a grandparent; that is, to hold that grandbaby in your arms. This Easter recess is a special time for me. I wanted to share with all of my colleagues in the Senate that it will be a joyous time for both me and my wife Suzanne.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume off the time allotted to this side of the aisle. We have 44 minutes remaining; is that right?

The PRESIDING OFFICER. The Senator is correct. The Senator from Iowa is recognized.

REDUCING TAXES FOR MARRIED COUPLES

Mr. GRASSLEY. Mr. President, I take this opportunity, at the start of debate on this important bill to reduce taxes for married couples by eliminating the marriage tax penalty, to give some reaction to comments made from the other side of the aisle yesterday. My reaction probably should have been given last night, but the environment at that time was such that other Members wanted to speak on issues other than the marriage tax penalty, so I did not take advantage of the opportunity. It would have been more appropriate for me to respond to the Senate minority leader and other Members

of the other side of the aisle last night so it would be more in context.

These comments are in regard to our efforts to repeal the marriage tax penalty and also to clear up some of the inaccurate and misleading statements made by the other side of the Senate.

We heard the charge made yesterday by the minority leader that, in passing this bill, we are going to be dipping into the Social Security surplus. Of course, that is going to be the Democratic mantra from now on, even though it is not the truth. Our own budget document is evidence of it not being our intent. Knowing the other side is salivating at trying to make this bogus political charge stick, we have been very careful in making sure we stay within the $150 billion in tax relief authorized in the budget resolution that will be before us later today in the form of the conference committee report on the budget for the year 2001.

By carefully staying within these limits, we aren't touching one cent of Social Security money. That is important because people know the irresponsibility of Congress from 1969 until the Republican majority of Congress, the first Republican majority in both Houses of Congress in 40 years, finally got the job done of balancing the budget with decisions made in 1997. For the first time in 43 years, we are paying down on the national debt 3 years in a row. The budget we are going to adopt this afternoon for the year 2001 will be the fourth year, and we will be paying down $177 billion on that off the debt in the budget year 2001.

Regardless of what the members of the other side of the aisle say, this marriage tax penalty bill we are going to pass to reduce taxes for the average married couple by $1,400, because they will no longer get hit with the marriage penalty, fits into the budget and doesn't use one cent of Social Security money to accomplish our goal of justice for middle-class married families in America.

Now, we also heard the misleading charge yesterday that we in the majority are trying to dictate what amendments the Democrats could offer. All we have been trying to do is to bring some order to this process so we can get this bill, which even the President of the United States says ought to pass. In his State of the Union Message, he asked us to pass a bill eliminating the marriage tax penalty. So, yesterday, they said we were trying to dictate amendments. Well, during that discussion, we asked if second-degree amendments could be in order to the Democrats' first-degree amendments. We were told absolutely not. So the Democratic side is doing as much dictating as anyone. If we can be accused of complaining about the amendments they want to offer and objecting to it, then they have no right to deny us the opportunity to offer second-degree amendments to their amendments.

In fact, the assistant minority leader stated that his caucus was in lockstep behind the minority leader. Well, that is simply part of the problem. The other side does walk in lockstep against reform in an attempt to paint this Congress as a do-nothing Congress. Funny, isn't it, how when Democrats brag about being in lockstep and unanimity behind their leader, somehow that isn't being partisan. But if Republicans were to vote in lockstep behind our leader, they would say we are being very partisan.

So, again, it seems as if we have a double standard that is not quite justified. Maybe my accusations should be directed more toward the press and media than the other side of the aisle and their statements. But it seems so often if Republicans are together, we are being partisan. But if Democrats are together, they aren't being partisan. As I have followed the stories on this in the press for the last 2 days, I haven't seen any charge of partisanship by the media toward the other side of the aisle. But, boy, I bet we Republicans would be painted as partisan.

Unfortunately, for the other side, this Congress has already made substantial progress and will continue to do so, and they will never be able to label us as a do-nothing Congress. I wish, though, that we had a few independent thinkers on the other side of the aisle, as we do on our side of the aisle, and not the lockstep following of leaders to the extent which it is. All I have to do as a Republican is proudly point out the independence of Senator MCCAIN on this side of the aisle to show that there are Republicans who are independent and do not always follow in lockstep. It would be nice if there were a few ''Senator McCains'' on the other side of the aisle who were willing to break ranks and be very independent.

A couple of the amendments the Democrats want to offer deal with prescription drugs. Of course, these are political amendments. We Republicans have already set aside $40 billion in our budget to deal with Medicare and prescription drugs. All we need to do is have people on that side of the aisle—as there are bipartisan Medicare reform proposals with prescription drug provisions in them—get behind some of these bipartisan approaches and get the White House behind them. We will be glad to move on those within the $40 billion we have set aside in our budget to deal with Medicare reform and prescription drugs because we all know this problem has to be solved. We know that some seniors can't afford prescription drugs. Some seniors have to choose between food and drugs. That is not a choice they should have to make. And we have, consequently, taken the initiative in our budget and have $40 billion for that. Now all we need is a little bit of cooperation from the other side of the aisle, following on what one or two on the other side of the aisle have attempted to do with Republicans, to move a bill along in this effort. But the White House happens to be dragging its feet.

Now, I think the insinuation is, from the amendments being offered on prescription drugs, that we don't see this as a problem and that we don't want to solve this problem. They aren't telling the truth.

Another amendment they have asked us to look at deals with the taxation of Conservation Reserve Program payments to farmers. The Internal Revenue Service—as they so often do in their infinite wisdom but lack of common sense—is trying to impose Social Security taxes on these payments. Of course, this is the Clinton-Gore administration that is doing this to the farmers of the United States. These taxes hadn't been opposed until the Clinton-Gore administration started imposing them through the IRS. And now we have a Democrat amendment to overturn what the Clinton-Gore administration is doing to the farmers on the CRP payments. So why don't the people on the other side of the aisle just call up President Clinton and Vice President GORE and ask them to order their own IRS to drop this silly new interpretation of the law because right now we have the Vice President going around the country saying how much he is willing to help the farmers of the United States and, Lord only knows, they need help with prices at 25-year lows.

Well, I guess help came after he invented the Internet because I haven't seen any help in this area since this has been in the courts in the United States. Now we have the Clinton-Gore IRS beating up on farmers with this new tax. Now, there is nothing wrong with the tax being offered from the other side of the aisle, trying to correct this; but it seems to me that there are other ways this could be handled.

Yesterday, we also heard what was really a political attack, that this tax relief is somehow a ''risky tax cut scheme.'' How come from the other side of the aisle all we ever hear about is ''risky tax cut schemes''? We don't hear about the risky spending schemes that are offered by the White House or by the other side of the aisle. All you have to do is go back to State of the Union Address on January 2000 and listen to the President of the United States propose 77 new spending programs—77 new spending programs. Somehow, there is shock on the other side that we want to let the people of this country keep their hard-earned money rather than running it through the Treasury in Washington, DC.

Now, there is a certain amount of good economic freedom argument you can give that is very philosophical about why the working men and women of America ought to spend more of their own money and send less of it to Washington just so they can have the economic freedom to do with the fruits of their labor and their minds what they want to do. But there is also a pretty good economic argument for not running any more money than is absolutely needed through Washington,

DC. That is because money spent through the Federal budget does less economic good—in other words, it turns over less times for the economy—than money spent by individual taxpayers and working men and women of America. All one has to do is look at the defense budget. The defense budget produces a lot of expensive items. But once they are made, those items are not used for producing wealth. They serve a good purpose for our national defense. But they don't turn over any more money in our economy.

We come to these risky spending schemes of this administration with 77 new programs, and we have tax cuts before Congress. Being at the highest level of taxation in the history of our country, at about 21 percent of gross domestic product, if we allow the President, through those 77 risky spending schemes, to build up to that level of expenditure at 21 percent, then when we have a downturn in the economy, the spending is going to stay up here and the income is down here. Then you have another budget deficit; whereas, if we continue the pattern of the last 50 years of taxing at about 18.5 to 19 percent of the gross domestic product, then over the historical average there will be less chance of a deficit.

We want to let the working men and women keep more of their money and keep our historical level of taxation at about 18.5 to 19 percent. We do not want the extra money that is now coming into the Treasury to be eaten up by these 77 risky spending schemes of this administration.

I feel compelled to correct a statement made by my democratic colleague from Illinois. My colleague stated that the Republican marriage penalty bill would require 5 million more taxpayers to pay higher taxes. My colleague stated:

> Here's the kicker. They don't want to talk about they have drawn their bill up so that five million Americans will actually pay higher taxes. . . . Take a look around the corner—five million Americans end up paying higher taxes under the alternative minimum tax. So now isn't that something?

This is simply incorrect. According to the Joint Committee on Taxation there would be no increase in any taxpayer's overall tax liability as a result of this bill.

In fact, the bill attempts to correct an AMT problem for millions of taxpayers. According to Joint Tax, in the year 2010, 9.2 million tax returns will benefit from the AMT provision in the bill—this includes 6.5 million joint returns and 2.7 million other individual returns benefiting from this bill. This is a worthy goal, and we should do what is right.

According to Joint Tax, in 2010 approximately 1.5 million joint returns benefiting from the AMT credit extension will become AMT payers under the bill. However, as I just mentioned, Joint Tax estimates that the bill would not increase any taxpayer's overall tax liability.

The record must be set straight—no one will pay higher taxes as a result of this bill.

My friends on the other side of the aisle have rejected a request we made yesterday to allow a debate solely on the marriage tax penalty relief. The Senate leader has offered 10 relevant amendments, including their alternative marriage tax penalty proposal. The other side has rejected this offer. The other side claims they want to debate other issues—talk about issues other than tax relief.

Either way you slice it—by what the Senate minority has done or by what they claim—they evidently don't care about marriage tax penalty relief itself.

Senate Democrats could live with a focused debate when it applied to the education savings accounts a month ago, March 2, and ending the Social Security earnings limit for seniors over 65, which only a few weeks ago, on March 22, was passed by the Senate.

However, now when it comes down to marriage tax penalty relief, our colleagues and friends on the other side of the aisle say no. Why? What has changed compared to these other two tax bills? Why were those other items only a few weeks ago so much more important than this bill that would help over 40 million families? The bill before the Senate will help 40 million families. They want to debate other issues, so they are holding up the marriage tax penalty bill.

Imagine the hue and cry Democrats would raise if the shoe were on the other foot—if we were debating these other issues and we demanded to offer marriage tax penalty amendments.

The House has acted. The Finance Committee has acted. The Senate should now act. However, it can't because the Democrats are obstructing this legislation like in-laws on a honeymoon.

We have been more than fair. We have said this is a debate on marriage tax penalty relief—offer any amendment you want that related to this bill and we will give you a debate and a vote on it. Any amendment—up to ten of them.

How many relevant amendments did the Democrats offer yesterday? Less then half of their ten addressed this issue. By my generous calculation that means that they only half care about marriage tax penalty relief.

In the House, it was not this way. Forty-eight Democrats across the Rotunda voted for marriage tax penalty relief. It was bipartisan over there. Why can't it be bipartisan here? Democrats here are seeking to make this a highly partisan Senate.

So the Senate must wait and over 40 million American families will have to wait. Every couple who suffers under this marriage tax penalty, which has existed for 31 years, must wait further. In a sense, everyone is going to have to wait while the other side of the aisle obstructs this tax relief effort.

This is tax week across America. America's families are hunkered down over their kitchen tables figuring out their tax forms. Isn't it time these taxpayers get a break from the most unfair part of this process, the provisions that tax them at a higher rate just because they are doing what is right and are married?

I want to give them that break. My colleagues want to give them that break. However, my Democrat colleagues don't want to give them that break. In fact, they don't want to even give them a debate or a vote on this very important issue.

I urge the Senate to go to the final debate on this and pass it before we adjourn this week. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TAXES

Mr. CONRAD. Mr. President, as I listened to my colleague, I thought some things said required a response.

As we look back at how we achieved balance in our budget and how we turned massive deficits into massive surpluses, let me explain how it was done. This chart covers 1980 through 1999. The blue line is the outlays or expenditures of the Federal Government; the red line is the revenue line. We had massive deficits when we were following the Republican economic prescription for the country, which was trickle-down economics, because the outlays far exceeded revenues. The result was massive deficits and massive growth of the debt.

In 1993, we got a new administration and a new economic plan. We passed a proposal without a single vote from the other side that reduced spending as a percentage of our national economy and raised revenue. That is how we balanced the budget. That is how we stopped the raid on Social Security. That is how we stopped the economic decline the country was experiencing under their plan, under their proposal.

In fact, at the time we passed the new budget plan in 1993, which was a 5-year plan reducing the deficits each and every year as we brought spending down, we brought revenues up until the two lines crossed and we moved into surplus. Our friends on the other side of the aisle said it was a huge mistake. They said it would increase the deficit. They said it would increase unemployment. They said it would increase inflation. They were wrong on every count. They were not just a little bit wrong, they were completely wrong.

Now they come with a new economic prescription to go back to the bad old days—back to debt, back to deficits, back to decline. Are we going to take that path? Haven't we learned anything about what works? Haven't we learned the best course is one of fiscal discipline? Haven't we learned the best course is to stay on this plan that has turned massive deficits into massive surpluses, that has led to the longest

economic expansion in our country, that has led to the lowest unemployment in more than 30 years, the lowest inflation in more than 30 years? Are we going to jeopardize this with a risky tax scheme that our friends on the other side propose?

My friend from Iowa says we have the highest tax rates ever. No, we don't have the highest taxes ever. This chart shows the revenue line, and indeed it came up; that is absolutely correct. It was that combination of reduced spending and increased revenue that led to this result. However, that does not translate into higher tax rates on the American people. A key reason we have higher revenues is because we got the economy moving again. This extraordinary economic expansion—again, the longest economic expansion in our history—has generated more revenue. That is what helped balance the budget, coupled with reduced spending.

The question of what has happened to individual taxes is quite a different story. This was a story on the front page of the Washington Post: ''Federal Tax Level Falls for Most. Studies Show Burden Now Less Than 10 Percent.''

The story tells the truth.

For all but the wealthiest Americans, the Federal income tax burden has shrunk to the lowest level in four decades.

We don't have the highest taxes on individual American taxpayers that we have ever had, as the Senator from Iowa asserted. That is just not the case.

For all but the wealthiest Americans, the Federal income tax burden has shrunk to the lowest level in four decades.

That is the truth according to a series of studies by both liberal and conservative tax experts. Each of the studies shows the bottom line is the same. Most Americans this year will have to fork over less than 10 percent of their income to the Federal Government. The Congressional Budget Office estimates the middle fifth of American families with an average income of $39,000 paid 5.4 percent income tax in 1999, compared with 8.3 percent in 1981. Their taxes have gone down. That is the middle-income people in America.

The Treasury Department estimates that a four-person family, with a median income of $54,900, paid 7.46 percent of that in income tax, the lowest since 1965. And the median two-earner family making $68,000 paid 8.8 percent in 1998, about the same as 1955.

If we are going to have a debate, let's have a debate on facts and not make up things.

The fundamental problem with the legislation offered by our colleagues: They have more of a tax cut than there is non-Social Security surplus available for a tax cut. It is a question of priorities. What do we want to do with the surpluses available? Remember, these are projected surpluses. We can take the money and use it all for a tax cut that disproportionately goes to the wealthiest. That is what the Republicans want to do.

Our side believes we ought to reserve every penny of the Social Security surplus for Social Security. Republicans agree with that. On the non-Social Security surplus, the Republicans want to use it all for a tax cut that disproportionately goes to the wealthiest; 60 percent goes to the wealthiest 10 percent.

Our side thinks the highest priority should be further paying down of the debt because that is what every economist has said is in the highest interests of this country. This is what will most assure our economic future.

Second, we believe we ought to provide for tax relief; 29 percent of the non-Social Security surplus under our proposal goes for tax relief. Part of that goes to address the marriage tax penalty. However, we are addressing those who suffer the marriage tax penalty.

Our friends on the other side want to give a big tax cut to folks who do not have the marriage tax penalty. In fact, for people receiving the marriage bonus—they pay lower taxes as a result of being married than if they were filing individually—they want to give them a tax cut, too.

When they say we are limited to 10 amendments on our side, the underlying legislation deals with many more issues than just the marriage tax penalty. They want to restrict our right to offer alternatives. That is not fair. That is not the way the Senate was designed to operate. Not surprisingly, we don't intend to go along with that. That is not the way the Senate is designed to work.

We offered legislation in the Senate Finance Committee to give people a choice. They file as married couples; they file as individuals; file the way that helps the most, that gives families the least tax liability. That is what Democrats are proposing. We do it in a way to not use all of the non-Social Security surplus for a tax cut that goes predominantly to the wealthiest. Instead, we put the highest priority on reducing the debt; the second highest priority on tax relief; the third highest priority on using money for high priority domestic needs such as defense, education, and agriculture, which are in very deep trouble.

Mrs. HUTCHISON. Mr. President, are the 10 minutes Senator CONRAD has remaining from the Democratic side?

The PRESIDING OFFICER (Mr. ROBERTS). That is correct, from the Democratic side. There are 20 minutes remaining on the Republican side.

Mrs. HUTCHISON. I thank the Chair.

THE PRESIDING OFFICER. The Senator from North Dakota is recognized.

MR. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 2422 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized for 5 minutes.

MARRIAGE TAX RELIEF

Mr. ASHCROFT. Mr. President, I rise to speak on behalf of the marriage tax relief bill. You could characterize it as tax relief or you could characterize it, I suppose, as a tax cut. But the true characterization is one that Senator HUTCHISON has over and over emphasized: This is tax correction. The bill is intended to correct the Tax Code. The code needs correction because it is an assault on the very values of our culture.

There is a fundamental unfairness when the Tax Code is at war with our values and penalizes a basic social institution such as the institution of marriage. The American people know this. They understand it is not right to have a Tax Code that penalizes marriage. The vast majority of the Members of this body understand this. This last week, during consideration of the budget resolution, the Senate voted 99–1 on the Hutchison amendment to support marriage tax relief. In other words, let's abandon the policy of punishing married people who pay higher taxes in the Tax Code.

Despite this overwhelming vote less than 10 days ago, some of my colleagues are now trying to stop or to delay the marriage tax relief measure by demanding nonrelevant amendments. Yesterday, several Senators from the other side of the aisle spoke on the floor and agreed there is unfairness in the Tax Code and that it is fundamentally unfair to tax people only because they marry. However, these same Senators then said the Finance Committee bill gives tax cuts to people who do not need them. That seems an arrogant statement to me, to suppose Government knows best how to spend the people's money. In addition, one Senator opposed the finance bill, asking, how many of these tax cuts can we afford to give away?

I submit, the real question is, how much of the hard-earned money can families afford to have taken away by an unfair system which penalizes men and women, a schoolteacher, a fireman, for getting married and beginning a family? How much longer will we continue to allow married couples to be penalized just for getting married?

We are here to correct that fundamental unfairness. It is something that has grown up in the code. It is like a weed which is taking over the garden. Good things are prevented by its presence. We ought to pull it out and make sure we have a Tax Code that does not make it harder for young people to be married and have a family.

Are we for correcting this unfairness? Are we against it? Or are we just saying that we are? One cannot say they oppose this penalty and then fight to take the relief away that is provided in the bill. Our colleagues in the House

have already demonstrated dramatically that they back a correction for this injustice.

In February, the House passed the Marriage Tax Penalty Relief Act of 2000. Thanks to the good work of the Senate Finance Committee, under the direction of Senator ROTH, we have a measure which will help substantially lessen the burden of this penalty that has been laid upon the families of America.

This bill makes great strides in providing relief and correcting this injustice. Twenty-five million American couples pay an average of $1,400 a year extra simply because they are married. Ending the penalty will give couples the freedom to make the choices they ought to make: The choice to be married and have a durable, lasting relationship of marriage as the foundation for the family unit.

The marriage tax penalty forces some Americans to make compromises instead of real choices. Mothers and fathers should be able to choose whether both parents will be employed outside the home based on what is in the family's best interest, or whether there should be a nonworking spouse who stays in the home. The Senate bill respects the value of the contribution of the spouse who stays home, and that is very important. Our Tax Code should respect the value that is added to the equation by a stay-at-home spouse who makes the family a stronger unit and builds for this country the kind of integrity that strong families provide.

In conclusion, no one has ever devised or developed or even dreamed of a better department of education, social services, a better department of health, education, and welfare than the family, and it is time for our Tax Code.

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired. Who yields time?

UNANIMOUS CONSENT AGREEMENT—H. CON. RES. 303

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask unanimous consent, notwithstanding rule XXII, that following the cloture votes relative to H.R. 6, the Senate proceed to H. Con. Res. 303, the adjournment resolution, with a vote to occur on adoption, all without intervening action or debate. I further ask unanimous consent that following that vote, the Senate begin debate on the budget resolution conference report and, when received, the conference report be considered as having been read and there be 4 hours of debate to be divided in the following fashion: 90 minutes under the control of Senator DOMENICI, 90 minutes under the control of Senator LAUTENBERG, and 1 hour under the control of Senator REED of Rhode Island.

Finally, I ask unanimous consent that following the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The distinguished Senator from Virginia is recognized.

Mr. ROBB. I inquire as to how much time remains on this side.

The PRESIDING OFFICER. The Senator has 2 minutes.

MARRIAGE TAX PENALTY RELIEF

Mrs. LINCOLN. Mr. President, in listening to my colleagues I am pleased to detect broad support for ending the so-called marriage penalty. I know that no one in this body believes that there should be a price to pay to the government for matrimony. However, we should work for a fair and reasonable solution that will not expand the marriage bonus and shift tax unfairness from one group in this country to another. The fact is that expanding marriage bonuses is not fair to single Americans just like doing nothing is unfair to married couples.

The ironic thing about the marriage penalty is that it was actually born out of fairness. According to a June 22, 1999 document prepared by the staff of the Joint Committee on Taxation, before 1948, there was only one income tax schedule, and all individuals were liable for tax as separate filing units. Under this tax structure, there was neither a marriage penalty nor a marriage bonus.

However, this structure created an incentive to split incomes because, with a progressive income tax rate structure, a married couple with only one spouse earning income could reduce their combined tax liability if they could split the income and assign half to each spouse. Under this system a disparity between the citizens of community and separate property states arose after a handful of Supreme Court cases upheld the denial of contractual attempts to split income, but ruled that in states with community property laws, income splitting was required for community income. This led Senator John McClellan, of my home state of Arkansas, to ask Senator William Knowland of California, ''why is it that just because you live in California and I live in Arkansas, you pay $646 less every year than I pay?''

The Revenue Act of 1948 provided the benefit of income splitting to all married couples by establishing a separate tax schedule for joint returns. That schedule was designed so that married couples would pay twice the tax of a single taxpayer having one-half the couple's taxable income. While this new schedule equalized treatment between married couples in states with community property laws and those in states with separate property laws, it introduced a marriage bonus into the tax law for couples in states with separate property laws. As a result of this basic rate structure, by 1969, an individual with the same income as a married couple could have had a tax liability up to 40 percent higher than that of the married couple.

To address this inequity, which was at the time labeled a ''singles penalty,'' a special rate schedule was introduced for single taxpayers, leaving the old schedule solely for married individuals filing separate returns. This schedule created the infrastructure for the so-called marriage penalty that we seek to end today.

At the time more than thirty years ago when the current single and married filing categories were established, our society looked different, and very few people were affected by the flaws in our tax code that imposed a penalty on marriage. As we all know, Mr. President, the general rule is that married couples whose incomes are split more evenly than 30–70 suffer a marriage penalty. However, the fact still remains, that married couples whose incomes are attributable largely to one spouse generally receive a marriage bonus.

As the income levels between men and women have rightly narrowed and as more married women have moved into the work force, the so-called marriage penalty has begun to affect more and more families.

Today we are debating a bill offered by the Senate Finance Committee that seeks to address the problem of the so called Marriage Penalty, and I applaud my colleagues for bringing this to the floor. As I said before, I believe we all want to tell our constituents that we have ended the marriage penalty, however, the underlying bill will not allow us to do that.

There are 65 provisions in the tax code that contribute to a possible marriage penalty for taxpayers. The bill offered by the Majority only eliminates one of those provisions and softens the bite of two others. The fact still remains that 62 other provisions could rise up to affect married couples on tax day. If we are going to end the marriage penalty, Mr. President, we should just end it.

Another problem with the Majority bill is that it expands the marriage bonus. We should not bring back the unfairness we had before 1969. We should learn from the history of this debate and we should come up with a better solution. I believe in the sanctity of marriage, as do all of my colleagues. I don't believe in penalizing it. But I also recognize the rights and fairness that our single constituents demand. We should not shift tax unfairness from one group to another, we should work to eliminate the unfairness for all Americans.

The Majority bill would also expand the roles of the Alternative Minimum Tax. Talk about unfair! I think a lot of Americans would almost rather pay the marriage penalty than have to deal with the Alternative Minimum Tax. The Majority bill would expand, by 5 million, the number of people who have to fill out an AMT tax form and pay higher rates. Not only is it inexcusable,

it goes against what we stand for and what we are trying to achieve

We should be working to lessen the effects of the AMT on middle class families not expand them. I am aware that the Majority bill includes a provision to permanently exempt the nonrefundable personal tax credits from AMT determination. That is good policy. In fact, Mr. President, I am the author of the bill, S. 506, that is essentially attached to the Majority bill. This provision, however, will not do enough to lessen the effects that doubling the standard deduction will have on the AMT roles. The good policy of S. 506 is drowned by the bad policy to which it is attached; drowned in the squeals of 5 million voters. I remind my colleagues that the AMT equals higher taxes and confusing forms. No one wants that for their constituents.

Lastly, Mr. President, this majority bill can hardly be labeled a ''Marriage Penalty Relief Bill'' at all. It doesn't completely eliminate the marriage penalty and less than half the cost of the bill goes to reducing it. 60 percent of the cost of the Majority bill goes to singles and to expanding the marriage bonus. I believe we should be honest with the American taxpayer and quit trying to aggregate tax cuts under popular headings like ''Marriage Penalty Relief'' and ram them through the process with cloture votes.

If my colleagues truly believe in fairness, as I think they do, then, Mr. President, let us work to truly end the marriage penalty, not to just put it on hold. Let's work together, Mr. President, to end the marriage penalty. Lets put an end to it now and forever. That means eliminating all 65 marriage penalties. Not just one and a fraction. That also means avoiding a new singles penalty. We have a record to look upon, Mr. President. We have a history. If we approach the marriage penalty in the way the Majority proposes, the unfairness will continue, the debate will continue, and sadly, the marriage penalty will continue as well.

Mr. LEAHY. Mr. President, I do not like the marriage penalty. I think it is poor public policy. However, I am forced to vote against cloture today because the majority has refused to allow the minority to offer amendments to improve this seriously flawed legislation.

The majority has presented us with a bill that not only fails to completely remedy the marriage penalty, but also provides large tax cuts to individuals and married couples who currently experience a marriage bonus. Less than 40% of the benefits of this bill would actually go to couples earning under $100,000. This is not a marriage penalty bill; this is a fiscally irresponsible tax cut bill for the wealthy. Hard working married couples in Vermont deserve an honest, targeted measure to eliminate the marriage penalty, not the proposal that is before us today.

I had looked forward to debating amendments to strengthen this bill and I am disappointed that the majority is cutting off the debate with a motion to invoke cloture. The integrity of the Senate is threatened when the majority refuses to permit the minority to debate amendments. The Senate should be the conscience of the nation because of the distinguishing feature of this body for any Senator to offer amendments and thoroughly debate the merits of legislation.

I support an end to the marriage penalty. I will continue to work with other Senators to pass legislation that is targeted at eliminating all of the marriage penalties that are embedded in our tax code. Vermonters deserve nothing less.

Mr. BYRD. Mr. President, today the Senate will vote on two cloture motions, the first, to end debate on the Finance Committee's substitute amendment to H.R. 6, the Marriage Tax Penalty Relief Act, and, the second, to end debate on the underlying bill.

First, I am, as are others, deeply concerned with that anomaly in the tax code known as the ''marriage penalty.'' I can think of no rational reason why two individuals who have vowed a lifelong commitment to each other through the sacred institution of marriage should, in certain cases, have their combined income taxed at a higher rate than that of two unmarried persons. At a time of declining social values, it simply does not make sense for the Congress to sanction policies which clearly work to the detriment of family stability.

Throughout the annals of human experience, in dozens of civilizations and cultures of varying value systems, humanity has discovered that the permanent relationship between men and women is a keystone to the stability, strength, and health of human society. The purpose of this kind of union between human beings is primarily for the establishment of a home atmosphere in which a man and a woman pledge themselves exclusively to one another and who bring into being children for the fulfillment of their love for one another and for the greater good of the human community at large. Indeed, I doubt that any Senator would refute the assertion that the promotion of marriage and family stability is in the best interest of the nation as a whole.

The question then is how to utilize the nation's tax code to move towards this goal. Marriage neutrality, for reasons that I will leave to the distinguished Finance Committee Chairman, the Senator from Delaware, and, the Finance Committee ranking member, the Senator from New York, to explain, is seemingly incompatible with a progressive income tax system that allows for married couples to file jointly. That is, if this body believes that higher-income households should pay higher taxes than lower-income households, and that married couples should be allowed to file joint returns, marriage neutrality can be a difficult goal to achieve. While I applaud the efforts of the Senator from Delaware and the Senator from New York in their attempts to balance these seemingly incompatible goals, I remain hesitant about jumping on any bandwagon at this time without first raising some concerns.

My primary concern, which I would presume is a concern of all Senators, is the cost associated with each of these proposals. The Republican plan, upon which the majority leader has filed a cloture motion, would cost approximately $248 billion over 10 years, and would explode after the first 10 years, costing the Federal Government $39 billion per year thereafter. This cost would be paid for through the non-Social Security surpluses that are projected by the Congressional Budget Office over the next 10 years. The so-called Democratic alternative, on the other hand, is not much better. The proposal would cost $150 billion over 10 years, but once fully phased in, is expected to cost about $48 billion per year thereafter. The basis upon which these tax cuts are being proposed is the presumption that the Congressional Budget Office's projections of non-Social Security surpluses will come to pass and will be large enough to cover tax cuts of this magnitude without causing the Federal budget to revert back into the kind of annual triple-digit billion dollar budget deficits we suffered over the last two decades. Never mind the fact that these non-Social Security surpluses are not yet in the hands of the Treasury. Never mind the fact that this Senate has not yet ensured that our domestic spending needs will be met in the coming years. Never mind the fact that such enormous tax cuts, once enacted, would be very difficult to reverse.

To its credit, however, the Democratic alternative is a substantively better proposal. Not only would it eliminate all sixty-five marriage penalties in the tax code, compared to the Republican proposal which would eliminate only three of the penalties, but it would also limit tax relief to those who actually suffer marriage penalties. Nevertheless, the Senate stands ready to shut down debate on these measures, and to effectively prohibit the Democratic alternative from being offered. Moreover, amendments that could possibly improve these proposals, or, at least, ensure that these proposals are enacted in the most cost efficient way possible, would also be limited—perhaps not to be allowed to be called up at all.

Another concern of mine is that both proposals are distributionally skewed away from lower- and middle-income families. Senators should be encouraged to offer amendments so that these proposals better target families who most need tax relief. Instead, Senators are discouraged from offering amendments to improve the measure. Watching the debate yesterday, I noted Senators suggesting that amendments

should be limited to only five or six so that the Senate could finish its work tonight and recess for the Easter break. As far as this Senator from West Virginia is concerned, if this legislation is as important as most Senators seem to think it is, we should stay in tomorrow, perhaps Saturday, and for as long as it takes to provide the best targeted, most cost-efficient tax package possible. This legislation should not be railroaded through this Chamber in order to accommodate a political deadline or to avoid debate on controversial amendments.

I, for one, will not support shutting down debate on these measures without first having these concerns addressed. I refuse to allow myself to be backed into a position where I must support limiting debate on a so-called marriage penalty relief bill simply to avoid political attacks that I do not support marriage penalty relief. My constituents understand my position on this matter. I have been married, now, almost 63 years, so I know about the marriage penalty. It has not changed over the years. I will oppose cloture on this bill, not because I am opposed to marriage penalty relief, but because I am opposed to this kind of legislating.

Putting aside the policy implications of these votes for a moment, I am growing increasingly concerned about how this body is seemingly incapable of considering any legislation without, first, limiting amendments that may be offered, and, second, limiting the ability of Senators to debate the legislation. These marriage penalty proposals are only the most recent example of this new style of legislating. Education savings accounts, the Social Security earnings limit, and bankruptcy reform have all been debated in this fashion. The stock options bill that was brought to the floor was limited to one hour of debate with no amendments or motions in order. Presumably, this agreement was reached to prevent minimum wage amendments from being offered. Indeed, time after time, day after day cloture motions to end debate are being filed before debate even has a chance to get under way.

The rationale behind today's cloture vote is that a majority of constituents and legislators support marriage penalty relief, so this legislation should be passed without delay. Ironically, this is exactly why the Senate was established as the body of majority rule but minority right. When James Madison arrived in Philadelphia in 1787 to correct the ''injustices'' of the Articles of Confederation, he had derived a general theory of politics based on his experiences in the Virginia state legislature. His focus was on the majoritarian premises of popular government. While Madison pondered that legislators would primarily respond to the passions and interests of their constituents, he realized that minority rights were not so much to protect the people from government as to protect the people from popular majorities acting through government. In recent months, however, and, I say this not as a Democrat, but as a member of the minority, minority rights have been pushed aside in order to accommodate political expediency. The Democrats, as I observe them, are standing up for their rights as a minority, not attempting, as has been stated several times in the past, to dictate the Senate's schedule. This Democrat is certainly not trying to dictate the schedule. I do, however, have an interest in the Senate. And, I think that the Senate has gone downhill in recent years. I think that it is too partisan. I have seen bills called up, and cloture immediately filed upon them to end debate on them when there had been no debate. I, when I was majority leader, filed cloture motions in similar situations, but I never did it time after time and day after day, I did it very seldom.

Senators do have the right to offer amendments, they do have the right to debate those amendments, and they have the right to a roll call vote on those amendments if they want it. Similarly, this Senator, along with every other Senator in this body, has the right to debate amendments offered by other Senators and to a roll call vote on those amendments. This was the message that I was hoping to convey last Friday during the debate on the budget resolution. When I objected to the unanimous consent request regarding the inclusion of some fifty amendments to the budget resolution, my goal was not to prevent the consideration of those amendments.

In fact, I was suggesting that the Senate spend the extra time on Saturday and on Monday to debate and to vote on those amendments. It was my desire to hear debate and to vote on those amendments, not to move on to final passage.

The Senator who offers the amendment, of course, has a right to have debate on it and a right to ask for a vote. But any other Senator also has a right to hear the debate and also has a right to ask for a vote if he wants it. So it is not just the Senator who offers the amendment whose case is put in jeopardy because he is denied a vote. The whole Senate and the people I represent, the people the Senator from Rhode Island represents, are entitled to a debate also on the amendment.

As I have said before, I will not support the erosion of minority rights in the Senate simply to advance a politically popular initiative. I hope that my colleagues will take a moment to consider their votes in this context, rather than in the context of what is politically popular and expedient.

Mr. ROBB. Mr. President, last week, I offered an amendment to the Senate budget resolution that would have required Congress to enact a new Medicare prescription drug benefit before considering any massive tax cuts. While a procedural hurdle prevented my amendment from passing, fifty-one senators voted to waive the budget point of order, indicating they favored it, sending the American people a strong signal that a majority of the U.S. Senate thought we should put the needs of our nation's seniors before excessive tax cuts.

Yet only a week after this vote, Mr. President, we are considering a massive tax cut that will spend $248 billion of the surplus over 10 years, without doing anything to modernize Medicare. Under the guise of eliminating the ''marriage penalty,'' the majority has brought a bill to the floor that would devote over half of its benefits to people who either aren't married, or who are actually receiving right now a tax benefit, or ''bonus,'' for being married. This takes a lot of chutzpah.

I believe we ought to eliminate the marriage penalty for those who actually suffer the marriage penalty and need the relief most. With all the rhetoric from the other side about eliminating the marriage penalty, one might think that they would share my view and want to pass a bill that would actually focus on the penalty.

But a close examination of the Republican bill reveals that it is not quite what it is described to be. In fact, there are 65 provisions in the Tax Code that have a marriage penalty, including Social Security. Their bill takes care of one provision entirely and two others partially, and leaves the other 63 marriage penalties exactly the way they are. The Democratic bill addresses all 65 provisions, and takes care of the entire penalty for nearly everybody. The Democratic bill accomplishes all this but costs half as much.

It is time that we set our priorities straight. We ought not to be devoting $140 billion of the surplus over 10 years to individuals who currently have no marriage penalty when we have done nothing to help those who suffer from the ''senior citizens' drug penalty'' the high prices our Nation's seniors are forced to pay for prescription drugs.

I intend to offer a motion to recommit this bloated bill to the Finance Committee, with instructions to report out a new bill by June 1 that focuses its dollars on taxpayers who actually face a marriage penalty, and that devotes $40 billion over the next 5 years to a new prescription drug benefit. This motion will not prevent Congress from enacting marriage penalty relief this year, it will just ensure that we do not backtrack from last week's vote to enact a prescription drug benefit before we do major tax cuts.

I want to share again a letter I received from a woman in St. Stephens Church, VA which illustrates why the prescription drug amendment is so important. She 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.

Another woman from Scottsville, VA writes:

My husband's income consists of his Social Security and a small pension from his former employer. We spend over twice as much for prescriptions as we do for groceries, and it's getting harder and harder to stretch our income 'til our checks arrive.

These Virginians are not alone in their troubles. The average senior citizen will spend $1,100 on prescription drugs this year. Most of them will not have adequate prescription drug coverage to help them cover these crushing costs. The numbers of those who do have coverage are dropping rapidly.

Despite the suggestions of some of my colleagues, this problem is not limited solely to the poor. One in four Medicare beneficiaries with a high income—defined as $45,000 a year for a couple—has no coverage for prescription drugs. And while some seniors do have coverage, nearly half of them lack coverage for the entire year, making them extremely vulnerable to catastrophic drug costs.

Complicating this matter for the elderly is the ''senior citizens' drug penalty'' that seniors without drug coverage are forced to pay. Most working Americans who are insured through the private sector pay less than the full retail price for prescription drugs. This is because insurers generally contract with Pharmaceutical Benefit Managers—or PBMs—that negotiate better prices for drugs and pass on the power of group purchasing to their customers.

Seniors lack this option, however, and must still pay full price for their drugs. A study released earlier this week showed that seniors without drug coverage typically pay 15 percent more than people with coverage. And the percentage of Medicare beneficiaries without drug coverage who report not being able to afford a needed drug is about 5 times higher than those with coverage.

This ''senior citizens' drug penalty,'' in my view, is unconscionable. Senior citizens rely more on drugs, and have higher drug costs, than any other segment of the population. They deserve to have the same bargaining power that benefits other Americans.

Last week the other side spoke against my amendment, claiming that there was already adequate language in the Republican budget resolution to ensure that we pass a prescription drug benefit this year. At the time, they pointed to the $40 billion reserve fund which was included in the budget resolution the Committee reported, arguing that this would provide ample money to enact a prescription drug benefit and offer tax relief.

Republicans asked, in essence, that we trust them that the Senate will not squander the surplus on tax cuts before we have helped our nation's seniors. Let me say that I do trust my good friends on the other side of the aisle. To borrow a line from Ronald Reagan, I believe we should trust—but verify. That is what my amendment last week did. It required deeds as well as words.

Seeing what happened in the budget resolution conference committee, it has become clearer than ever why we need to verify the promises that the other side gives us. Because despite both chambers setting aside a $40 billion reserve fund for a prescription drug benefit, one of the first things that the conferees did was cut this fund in half, to $20 billion—a number far too low to enact any sort of universal benefit for our nation's seniors. The conferees then took this other $20 billion, which is vitally needed to fund a universal prescription drug benefit, and said that it should be used for other Medicare reforms, such as another round of adjustments to the payment rates for Medicare providers that were hit hard by the cuts in the Balanced Budget Act of 1997. But after touting this reserve fund as the key to a prescription drug benefit, they have essentially neutered themselves.

Even worse, the conferees removed the one provision that would have helped push a prescription drug benefit forward. The Senate budget resolution set a date of September 1 for the Finance Committee to report out a prescription drug bill. This deadline would have guaranteed that the Senate would at least consider prescription drug legislation this year. But the conferees stripped this deadline out of the bill. They have basically said: it is not important for the Senate to pass a bill to eliminate the ''senior citizens' drug penalty.''

I am by no means opposed to taking another look at the decisions we made in the Balanced Budget Act of 1997. I worked very hard last year in the Finance Committee on the Balanced Budget Refinement Act. And there ought to be room, in the context of a balanced budget, to provide further relief to health care providers who were hit hard by the cuts in the Balanced Budget Act of 1997.

We ought not to be limiting our Medicare reform efforts to $40 billion, however, simply to free up additional funds for tax cuts. With this new limit, Republicans have essentially pitted a prescription drug benefit for seniors against additional relief for doctors, hospitals, nursing homes, and other health care providers. Republicans have decided that two important priorities must square off, so that we can provide billions of dollars in so-called ''marriage penalty'' tax relief to individuals who do not even incur a marriage tax penalty on their taxes.

Our nation's seniors deserve better than this. Last week, at least fifty-one Senators felt the same way. I urge every one of them, as well as Senators who opposed my amendment last week because they thought the $40 billion reserve fund would guarantee a prescription drug benefit, to support my motion to recommit this bill. With its passage, we will be able to eliminate both the true marriage tax penalty and the ''senior citizens' drug penalty.''

UNANIMOUS CONSENT REQUEST—H.R. 6

Mr. ROBB. Mr. President, I ask unanimous consent that we proceed to consideration of H.R. 6, the Marriage Tax Penalty Relief Act, so that I may offer a motion to recommit the bill to the Senate Finance Committee.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object, I see this as an effort to delay passing the marriage tax penalty relief bill. Offering or voting for this motion is saying that the Senate does not want to fix the marriage tax penalty. Recommitting the bill is an attempt, I think, to kill the bill.

We are going to deal with the prescription drug problem. As I said in my opening comments this morning, Republicans have already set aside $40 billion in our budget to do so. We do not need to delay fixing the marriage tax penalty in order to fix the Medicare problem. We have the resources and the time to do both.

Again, I think this is a transparent effort to kill marriage tax penalty relief, and, consequently, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. ROBB. Mr. President, I accept the objection of my friend from Iowa. Under the conference agreement, the $40 billion went in on the part of the Senate. Only $20 billion came out; $20 billion has already been diverted in the conference agreement. I recognize an objection has been offered. I will make my point.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The distinguished Senator from Montana is recognized.

MARRIAGE TAX RELIEF

Mr. BURNS. Mr. President, I thank my friend from Iowa.

This has been an interesting debate on this part of the Tax Code, and I have been listening to this debate with a lot of interest. If there ever was something that needed fixing, it is unfairness in the tax code. I am not going to talk about a disincentive for folks to get married. I look at it from a standpoint of fairness.

Young couples who are starting out and trying to save a little money for the education of their children, or trying to pay for a home, these couples are penalized. They have dreams of participating in American opportunities, and they are kept from this by an unfair tax code. In Montana, 90,000 couples are penalized to the tune of $51.5 million every year in extra taxes simply because they are Mr. and Mrs.

We made it pretty clear on this side of the aisle that tax reform is needed.

If we have to do it one step at a time or one inch at a time, then that is the way we will do it. That makes it very slow and very painful. Yet it has to be done.

According to the Congressional Budget Office, almost half of married couples pay higher taxes due to their married status. The marriage tax penalty increases taxes on affected couples $29 billion per year. Currently, this marriage tax penalty imposes an average additional tax of $1,400 a year on 21 million married couples nationwide.

I, along with my Republican colleagues, have made it clear that continued tax reform and tax relief is necessary, and I can think of no other tax that has such a dramatic impact on so many people. To some people, $1,400 may not sound like a lot of money, but to a lot of Americans $1,400 does mean a lot of money. Especially when it can be used for things like saving for education, or supporting young families, or a long list of things that need to be fixed around the house.

The marriage tax penalty can have significant negative economic implications for the country as a whole since the tax code can discourage some people from entering the workforce altogether.

Additionally, this is a good time for us to restore fairness for married people. No. 1, I think what we have seen this week in the stock market, what we have seen in the high-tech stocks, shows that we may not be in the real booming economy now that everybody thinks we are. No. 2, if you live in farm country, we know we are not in a booming economy. Look at our small towns around my State of Montana and all through farm country. We know what tough times are. And then to be penalized in your taxes just because you are married seems a little unfair.

I support this particular piece of legislation. I want the American people to know that we will take this one step at a time. After all, we did not get into this situation overnight. Maybe it will take one step just to get us out of this kind of a situation.

Mr. President, as I said, I rise in support of legislation currently on the floor that will put an end to the marriage tax penalty. We have been fighting this tax inequity for several years now. The people of Montana have spoken to me either through letters or conversation—they think this tax is unfair.

Last year, I met with a couple in Billings, MT, to determine the impact of this tax on them. Joshua and Jody Hayes paid $971 more in taxes because they were married than they would have paid if they remained single.

In Montana, it is estimated that nearly 90,000 couples are penalized by this tax to the tune of $51.5 million—solely for being married.

I along with my Republican colleagues have made it clear that continued tax reform and tax relief is necessary, but I can think of no other tax that has such a dramatic impact on so many people.

If ever there was a disincentive to be married, this penalty would be it. I believe this, along with the estate tax, is one of the most unfair taxes on Americans. It is not right for people to be penalized with higher taxes simply because they choose to get married.

According to the Congressional Budget Office (CBO), almost half of all married couples pay higher taxes due to their marital status. Cumulatively, the marriage penalty increases taxes on affected couples by $29 billion per year. Currently, this tax penalty imposes an average additional tax of $1400 on 21 million married couples nationwide.

The marriage penalty can have significantly negative economic implications for the country as a whole as well. Not only does this penalty within the tax system stand as a likely obstacle to marriage, it can actually discourage a spouse from entering the workforce.

By adding together husband and wife under the rate schedule, tax laws both encourage families to identify a primary and secondary worker and then place an extra burden on the secondary worker because his or her wages come on top of the primary earner's wages.

As the American family realizes lower income levels, the Nation realizes lower economic output. From a strictly economic perspective, the fact that potential workers would avoid the labor force as a result of a tax penalty is a clear sign of a failure to maximize true economic output. As a result, the nation as a whole fails to reach its economic potential, which is demonstrated by decreased earnings and international competitiveness.

I am very disappointed the President has indicated he will veto this bill as he has in the past. That is not just the veto of a bill—that is another signal the administration does not support the union of two people and their impending family.

Congress has the momentum to correct this inequity and I encourage my colleagues to support this legislation to repeal the marriage penalty.

I ask unanimous consent to have an example of the marriage tax penalty printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLE OF THE MARRIAGE PENALTY TAX

Take a couple in which the husband is a new Billings Police Officer and his wife is a teacher for the Billings School District.

	Husband	Wife	Couple
Adjusted Gross Income	$33,500	$28,200	$61,700
Less Personal Exemption	4,150	4,150	6,900
Standard Deduction	+2,650	+2,650	+5,300
	6,800	6,800	12,200
Taxable Income	26,700	21,400	49,500
Tax Liability	4,271.50	3,210.00	8,504.00

Total tax liability when filing jointly is 8,504.
Total tax liability for both filing as singles 7,481.50.
Marriage Penalty 1,022.50.

Mr. BURNS. Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Iowa, who has done a wonderful job in managing this bill, and more importantly for his role in the Finance Committee to make sure that we have a great marriage tax penalty relief bill.

I thank the Senator from Montana for talking in straight terms, as he always does, about what our priorities are: Does this money belong to the people who earned it or does it belong to the Federal Government in Washington, DC?

I think it is very interesting; when people talk about tax cuts, you can tell immediately how Members are going to vote by how they refer to the tax cuts.

As the Senator from Missouri said earlier, if you are going to be against tax cuts, you are going to say: How much will it cost the Federal Government to give this tax relief? But if you believe that people who earn the money deserve to keep it, then you are going to say: How much is it going to cost the American family if we do not give them back part of the excess that they have sent to Washington in income tax withholding?

I want to make the point again, we are not talking about the Social Security surplus providing money for tax cuts. We are talking about the income tax surplus. That means that people have sent too much to Washington and we are trying to return some of it.

I think it was an interesting argument earlier, on the Democratic side, where it was shown that Federal taxes have gone down in our country. We are trying to lower Federal taxes, but, in fact, what has happened is local taxes have gone up. So all of the neutral sources in our country today tell us that there is, in fact, a higher tax burden on the average American family today than ever before in peacetime. That is a big burden on an average family.

About 40 percent of the average family's income is taken in taxes. That is a fact. And we are in peacetime. We do have a balanced budget. We do not need that much. We should send it right back to the people who earned it, to put in their pockets for them to make the decisions as to how to spend it. That is what we are trying to do today.

I think it is interesting when you listen to the debate. The distinguished Democratic leader yesterday said, in the debate: ''I think the Republican bill is a marriage penalty relief bill in name only. It is a Trojan horse for the

other risky tax schemes that have been proposed so far this year.''

I want to go over what we have taken up this year, what we have proposed this year, and just say to the American people: I wonder what the risky tax schemes are.

Is it a risky tax scheme to let people on Social Security between the ages of 65 and 70 work without paying a penalty? Is that a risky tax scheme? Is the education tax credit that Senator COVERDELL passed earlier this year to give parents a tax credit to buy education enhancements for their children—the computers, the extra books, the tutors—a risky tax scheme? Or is it the small business tax relief that we passed to try to give our small businesses an opportunity to grow and create new jobs in our country?

I am not sure to which ''risky tax scheme'' the Democratic leader refers. But if that is a ''risky tax scheme,'' I am guilty because I do believe the hard-working people of this country deserve to keep more of the money they earn.

This marriage tax penalty relief was provided for in the budget we passed last week. We would take only 50 percent of the allocation over a 5-year period. We think that is quite responsible as stewards of our tax dollars.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. I thank the Chair and yield the floor.

Mr. WARNER. Mr. President, the Republican led Senate is considering legislation that I have long advocated for working families—relief from the marriage tax penalty.

This is not a limited problem. According to the Congressional Budget Office, almost half of all married couples—21 million—are affected by the marriage penalty. One study showed that over 640,000 couples in Virginia are affected.

The marriage tax penalty unfairly affects middle class married working couples. For example, a manufacturing plant worker makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they both file their taxes as singles they would pay 15 percent in income tax. But if they choose to live their lives in holy matrimony and file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28%. The result is a tax penalty of approximately $1,400.

The Republican marriage penalty relief bill would fix this unfairness without shifting of the tax burden and without the need for a tax increase on any individual. Middle and low income families would benefit as much as earners with higher incomes. The bipartisan support for eliminating the marriage penalty is overwhelming. The House of Representatives passed the bill with 268 votes.

In the Senate, our bill increases the standard deduction for joint returns to twice the amount of the standard deduction for single returns, doubles the size of both the 15% and 28% tax brackets for joint returns to twice the size of the corresponding tax rate brackets for single returns, and increases the phase-out income level for the Earned Income Tax Credit (EITC) for joint returns by $2,500. Additionally, it makes permanent the current allowance of personal nonrefundable tax credits to offset both regular and alternative minimum tax liabilities.

Critics have claimed that most of the tax relief under our plan would go to wealthy couples. That is simply not true. The Congressional Joint Committee on Taxation's distribution analysis estimates that couples making under $75,000 annually will be the biggest winners. Additionally, the Joint Tax Committee estimates that couples earning between $20,000 and $30,000 will receive the biggest percentage reduction in their federal taxes out of any income level, with couples making between $30,000–$40,000 fairing almost as well.

Opponents of this measure have argued that some married couples, where only one spouse works, will receive a so-called ''marriage bonus''. Although the word ''bonus'' implies an additional benefit, this is simply not the case. First, this money belongs to the taxpayers. With a surplus of over $2 trillion, not including Social Security, all taxpayers are entitled to a return of their tax overpayment. Second, should the federal government, through tax policy, discourage either parent from staying at home with children? If a couple chooses to raise their family on just one income, they will need all the financial help they can get. The government should not penalize a family simply because it takes both spouses working outside of the home to make $50,000. Being a stay at home parent should be rewarded—not penalized.

This means over $64 billion in tax relief over the next five years. Combined with the other tax relief measures adopted by the Senate this year—tax relief for small employers, improved health care access, and education savings accounts—the total tax relief considered by the Senate falls well within the $150 billion budgeted for tax cuts in the recently-adopted budget resolution.

This is a modest proposal. Eliminating the marriage penalty will result in less tax paid to the federal government. However, the Congressional Budget Office estimates that taxpayers will send Uncle Sam almost $2 trillion in additional surplus taxes over the next ten years. That is after Congress has locked up 100% of Social Security surplus and paid down the public debt. Our proposal asks Uncle Sam to give back to middle class families just 10 cents out of every extra surplus dollar they send to Washington. Is that really to much to ask to help families? The Federal government should not put a price tag on the sacrament of marriage.

Mr. GORTON. Mr. President, next Monday is the deadline for all Americans to file their 1999 income tax returns with the Internal Revenue Service. This week the Senate has appropriately dedicated its attention to the tax burden placed on Americans, particularly the unfair marriage tax penalty. Simply, the marriage tax penalty is an injustice in the current Federal income Tax Code that results in a married couple filing a joint tax return paying more in taxes than if the same couple were not married and filed as individuals.

Every week of the year I receive letters from Washington state constituents outraged by the marriage tax penalty, but during tax season my mailbox is deluged with the protests of married couples. Last year, Congress passed a tax relief bill that would have eliminated the marriage penalty, but President Clinton vetoed this needed reform. This year, Democrats have spent this entire week delaying and then blocking a Senate vote on a bill to end the marriage penalty.

Maybe some of my colleagues should hear what I read in the letters I receive asking for action by Congress and the President to eliminate the marriage tax penalty. From an email I received from a constituent in Maple Valley, Washington: ''I wanted to express my hope that you and the other members of Congress will be able to eliminate the marriage penalty tax * * * Why should I pay more in taxes since I am married?'' From Bellingham, Washington: ''Fairness! It all comes down to fairness. Please stop penalizing us for being married. We deserve the same as two single taxpayers.'' From a family farmer in Eastern Washington state: ''I believe the marriage tax penalty is a mistake that should be corrected. It would establish fairness in our tax system.'' This is merely a sampling of the hundreds of letters I have received, but it is an accurate representation of the views of my constituents and the vast majority of Americans.

My No. 1 tax legislative priority is complete tax reform. I believe the entire confusing and incomprehensible Tax Code should be scrapped and replaced with a system that is fair, simple, uniform and consistent. Until such fundamental reform can take place, I will continue to work in support of tax reform and relief measures that correct unfair aspects of the existing tax code mess. The marriage tax penalty is absolutely one of the most outrageous and indefensible injustices in the current Tax Code. Efforts to delay and block the elimination of the marriage tax penalty are clearly an affront to a sense of fairness, the institution of marriage, and they are contrary to the desires of an overwhelming majority of Americans. The Senate should vote now to correct the marriage tax penalty.

Mr. DOMENICI. Mr. President, the marriage penalty is the extra tax a couple pays as a result of being married. When a couple says ''I do'' they

are really saying ''IRS, we will pay.'' The tax code has 63 provisions that penalize couples for being married. There are more than 20 income phase-outs and each is a marriage penalty. The two biggest marriage penalizers are the standard deduction and the tax brackets. Fairness would dictate that the standard deduction for a couple should be twice what it is for a single taxpayer. Fairness would dictate that the tax bracket income cut-off points for a married couple should be twice that of a single taxpayer. That is not the way the current code is structured. This bill would restore fairness.

About 25 million married couples annually are adversely affected by the marriage penalty. Average marriage penalty is $1,400. If we eliminated the marriage penalty, the typical family would have an extra $1,400 to pay the electric bill for nine months, pay for three months of day care, pay for a five-day vacation at Disneyland or eat out 35 times.

There wasn't always a marriage penalty. Prior to 1948 the tax code taxed individuals, but today, the marriage penalty has infiltrated the entire tax code. It didn't matter when most women stayed at home, but now that so many women work it is indefensible to have the marriage penalty in our law. A working wife often works to support the federal government, more than she works to help her family, because the first dollar she earns is taxed at the highest rate her husband's income is taxed. Some economists call this the ''second earner bias'' because the income of the secondary earner is stacked on top of the primary earner's income resulting in a relatively high marginal rate.

Of the 27 OECD countries 19 countries taxed husbands and wives separately so there is no marriage penalty. The biggest culprits are the standard deduction and the tax brackets.

The standard deduction for two individuals filing single returns is not twice what the standard deduction for a married couple filing a joint return is. It isn't but, it should be.

Marriage penalty hits low income workers. Eligibility for the earned income credit is the same for single heads of households and married couples. Combining two incomes on a joint return may push a couple into the phase-out range of the EIC and reduce the size of their credit.

As I mentioned, a growing number of tax provisions—credits and deductions—are phased-out at certain income ranges. Any tax provision that has an income phase-out contributes to the marriage penalty. Few of us probably ever stop to think about the marriage penalty when we vote for tax provisions with income phase-outs. Some phase-outs start as low as $10,000 of income. The dependent credit, the elderly credit and earned income credit have phase out ranges that compound the marriage penalty for the working poor.

Several provisions have phase-outs in the $50,000 to $75,000 in income range which add to the marriage penalty of the two income middle class families. The dependent credit, the Hope education credit, the elderly credit, adoption credit; the IRA deduction and the Education loan interest expense deductions. Itemized deduction threshold, personal exemption, all get ''marriage penalty-ed'' out of existence for many married couples with modest incomes.

S. 2346 provides total tax relief to married couples of $64 billion over the next five years. Combined with the other tax relief measures adopted by the Senate this year—tax relief for small employers (H.R. 833), improved health care access (H.R. 2990), and education savings accounts (S. 1134)—the total relief considered by the Senate falls well within the $150 billion budgeted for tax cuts in the recently-adopted Senate budget resolution.

Let me describe in particularity the provisions of the bill. Standard deduction: The bill increases the standard deduction for married couples filing jointly to twice the standard deduction for single taxpayers. According to the Joint Committee on Taxation, this provision provides tax relief to approximately 25 million couples filing joint returns. It is effective for taxable years after December 31, 2000.

Increased brackets: The bill expands, over a six-year period, the 15-percent and 28-percent income tax brackets for a married couple filing a joint return to twice the size of the corresponding brackets for an individual relief to 21 million married couples, including 3 million senior citizens.

EIC: The bill increases the beginning and the end of the phase-out of the Earned Income Credit for couples filing a joint return. Currently, for a couple with two or more children, the EIC begins phasing out at $12,690 and is eliminated for couples earning more than $31,152. Under this bill, the new range would be $2,500 higher. For these couples eligible for the EIC, the maximum credit is increased by $526, from $3,888 to $4,414. It is effective for taxable years after December 31, 2000.

AMT relief: The bill permanently extends the current temporary exemption from the individual alternative Minimum Tax (AMT) for several family-related tax credits, including the $500 per child tax credit, HOPE and Lifetime Learning credits, and dependent care credit. The bill also exempts two refundable credits, the Earned Income Credit and the refundable child credit, from being reduced by the AMT. It is effective for taxable years after December 31, 2000.

Mr. President, this bill addresses one of the biggest federal income tax injustices and I hope the Congress will enact this legislation.

Ms. SNOWE. Mr. President, I rise in strong support of the S. 2346—legislation that would dramatically reduce one of the most insidious aspects of the tax code: the marriage penalty.

Mr. President, as my colleagues are aware, there are several primary causes of the ''marriage penalty″within the tax code, including different tax rate schedules and different standard deductions for joint filers versus single filers.

In terms of the impact of these differing tax provisions, the marriage penalty is most pronounced for two-earner couples in which the husband and wife have nearly equal incomes. While this may not have been as noticeable in society 30 or 40 years ago, the demographic changes that have occurred since the 1960s—with more married women entering the workforce to help support their families—has led to a significant increase in the share of couples who suffer from the marriage penalty.

Mr. President, make no mistake, the impact of the marriage penalty is severe. According to the Congressional Budget Office (CBO), 42% of married couples incur marriage penalties that average nearly $1,400.

When measured by income category, fully 12% of couples with incomes below $20,000 incurred a marriage penalty in 1996; 44% of couples with incomes of $20,000 to $50,0000; and 55% of couples with incomes above $50,000.

In addition, according to CBO, empirical evidence suggests that the marriage penalty may affect work patterns, particularly for a couple's second earner. Specifically, because filing a joint return often imposes a substantially higher tax rate on a couple's second earner, the higher rate reduces the second earner's after-tax wage and may cause that individual to work fewer hours or not at all. As a result, economic efficiency is harmed in the overall economy.

Furthermore, while I would hope that the tax code would not be a factor in a couple's decision to marry or stay single, the simple fact is that a couple's tax status could worsen if married and could, therefore, impact a couple's decision to marry. Therefore, we should eliminate this potential barrier to marriage and ensure that couples make one of life's biggest decisions based on their values and beliefs—not on the federal tax code.

Mr. President, as a strong opponent of the marriage penalty, I am an original cosponsor of S. 15, legislation introduced by Senator HUTCHISON that eliminates the marriage penalty through a proposal known as ''income splitting.'' Under this approach, a married couple would add up all their income and then split it in half. Each spouse would then file as a single individual and pay taxes on his or her half of the total income, with exemptions, deductions and credits being split evenly between the two spouses.

Last year, to advance this legislation or any other proposal that would provide marriage penalty relief, I offered an amendment during the markup of the FY 2000 budget resolution that ensured a significant reduction in—or the

outright elimination of—the marriage penalty would be a central component of any tax cut package adopted during last year's reconciliation process.

Later that summer, in accordance with my budget amendment, the $792 billion tax cut reconciliation package that was passed by the Senate last summer included such relief, as did the final House-Senate conference report. However, just as President Clinton vetoed the tax bill in 1995 that included marriage penalty relief, last year's tax bill was vetoed as well.

In an effort to address this issue outside a broader tax package, the House of Representatives passed legislation earlier this year—by a bipartisan vote of 268 to 158—that would reduce the marriage penalty.

Now, in the Senate, we are considering stand-alone legislation that would dramatically reduce the marriage penalty by doubling the standard deduction for married couples relative to single filers; expanding the 15 percent and 28 percent income tax brackets for married couples to twice the size of the corresponding tax brackets for single filers; increasing the phase-out range of the Earned Income Credit (EIC) for couples filing joint returns; and permanently exempting family tax credits from the individual Alternative Minimum Tax (AMT).

Mr. President, it is my hope that, by considering this package of marriage penalty relief proposals as a stand-alone bill—and not as part of a broader, and potentially controversial, tax cut package—we will not only pass this legislation prior to ''tax day'' on April 17, but ultimately send a bill to the President that he will sign for the benefit of all married couples.

The bottom line is that we should not condone or accept a tax code that penalizes married couples or discourages marriage, and this bill provides the Senate with the opportunity to correct this inequity in a straightforward manner.

Ultimately, this bill is not simply about providing the American people with a reasonable and rational tax cut—rather, it is about correcting a gross discrepancy in the tax code that unfairly impacts married couples. Accordingly, even though individual members of this body disagree on a wide variety of tax cuts policies, I would hope we would all agree that the act of marriage should not be penalized by the Internal Revenue Code—and would support the proposal before us accordingly.

Thank you, Mr. President. I yield the floor.

Mr. HUTCHINSON. Mr. President, I rise today in support of the Roth marriage tax relief plan. The clock is ticking, Mr. President. In less than forty-eight hours, Americans across the country will empty their pockets to pay the government thousands of dollars in taxes.

For approximately 42 American couples, tax day will have an extra sting to it, because they will have to pay an average of $1,400 extra in taxes to accommodate an outdated and discriminatory tax system.

When we first adopted the tax code, women made up only about three percent of the work force. But today, women are full time entrepreneurs. Some seventy percent of mothers work, only to find their income penalized. Our tax system did not anticipate this dramatic growth in dual income families. So now an outdated system discriminates against women and married couples.

When Mr. and Mrs. Smith get married, they look forward to a bright and prosperous future—to have and to hold, for richer and for poorer. But they soon find that Uncle Sam has moved in and cast his low shadow over them. And they are undoubtedly poorer.

The marriage penalty cuts two ways—by pushing married couples into a higher tax bracket and by lowering the couple's standard deduction. Two married income earners, with their combined income, must pay their income tax at a higher rate with a lower deduction than they would if they were two single people.

This is not a one time penalty. Under our tax system, marriage is not a freeway. It is a toll road. For ten years of marriage, couples must pay an average of $14,000 extra. For twenty years, couples must pay $28,000 extra. And they must forgo money that they could have invested in a car, a house, or their children's education. Mr. President, we must update the tax system and we must lift this extra burden on the backs of American couples.

The Roth plan takes solid steps on the path of tax relief. It increases the standard deduction for a married couple filing a joint return to twice the basic standard deduction for a single individual beginning in 2001. This standard deduction increase will help 25 million couples filing joint returns. The Roth plan expands the 15-percent and 28-percent tax brackets for a married couple filing a joint return to twice the size for a single individual. Twenty-one million couples will benefit from these tax bracket expansions. This legislation also expands the Earned Income Credit (EIC) beginning and ending income levels by $2,500, removing the disadvantage of receiving a smaller EIC after marriage. Finally, the Roth plan exempts family tax credits from the individual Alternative Minimum Tax.

Mr. President, all week I have heard my colleagues on the other side of the aisle claim their support for marriage penalty relief. Yet they insist on quenching the thirst of American couples with only a raindrop relief. They offer nearly $100 billion less in tax relief for American couples in the next ten years. Fifty percent of the benefits under their plan do not occur until 2008.

We must be serious about tax relief for American couples. If you talk to any marriage counselor, he or she will quickly tell you that the number one cause of problems in marriage is money—specifically, the lack of it. If we want to support American families, if we want to support the future of America, we can start by reducing the money problems of married couples.

Mr. President, there are 207,677 couples in my home state of Arkansas suffering from the marriage penalty. They have called for marriage penalty relief. I want to give it to them.

I hope that when the clock stops ticking on Saturday, the Senate will have lightened the load on the couples and the American family. I urge my colleagues to support the Roth marriage penalty relief plan.

Mr. MACK. Mr. President, I hope that our colleagues across the aisle will not prevent us from reducing the marriage penalties in the tax code. This bill will provide married couples the relief that President Clinton denied them last year with his veto of the Taxpayer Refund and Relief Act of 1999. President Clinton's action last year increased taxes by close to $800 billion and imposed a marriage penalty on middle class American families.

There is no place in the tax code for marriage penalties. Marriage penalties are caused by tax laws that treat joint filers relatively worse than single filers with half the income. It has of late become common practice to use the tax code for purposes of social engineering, discouraging some actions with the stick of tax penalties and encouraging others with the carrot of tax preferences. But there is no legitimate policy reason for punishing taxpayers with higher taxes just because they happen to be married. The marriage penalties in the tax code undermine the family, the institution that is the foundation of our society.

I view this bill as just a start. Our tax code will not truly be family-friendly until every single marriage penalty is rooted out and eliminated, so that married couples with twice the income of single individuals are taxed at the same rates, and are eligible for the same tax preferences—including deductions, exemptions, use of IRAs and other savings vehicles—as those single filers. This bill is an important step toward that ultimate goal.

The Democrat criticisms of our bill are misplaced. They argue that our bill contains complicated phase-ins, in contrast to their simple approach. But anyone who reads the bill and their alternative would see that this is false. The Finance Committee bill contains percentages in it, sure enough. And it phases in the relief, that is true. But the percentages and the phase-ins are instructions to the Treasury and the IRS, to make adjustments to the tax brackets. The only people who have to make any new calculations under the Finance Committee bill are the bureaucrats who make up the tax tables, not the taxpayer.

By contrast, the Democrat alternative, in phasing in its relief, requires

taxpayers to calculate their taxes as joint filers, then calculate their taxes as if they were single—a complicated process that requires the allocation of various deductions and credits. Next, the taxpayer would have to determine the difference between these two calculations and then reduce this by a certain percentage. That is supposed to be simple? The Democrat substitute adds to the headaches of tax filing and the demand for tax preparers and tax preparation software.

The Democrats also complain that the Finance Committee bill does more than address their narrow definition of the marriage penalty. They invoke the so-called ''marriage bonus.'' But the ''marriage bonus'' is a red herring. What they call a ''marriage bonus'' results from adjustment tax brackets for joint filers to reflect the fact that two adults are sharing the household income. Under the Democrat approach, single taxpayers who marry a nonworking or low-earning spouse should pay the same amount of taxes as when they were single, even though this income must be spread over the needs of two adults.

This approach is fundamentally flawed. The Democrat approach would enshrine in the law a new, ''homemaker penalty.'' The Democrats would make families with one earner and one stay-at-home spouse pay higher taxes than families with the same household income and two earners.

But why discriminate against one-earner families? Why would we want a tax code that penalized families just because one of the spouses chooses the hard work of the household over the role of breadwinner? The Democrat alternative discourages parents from staying home with their infant children, and penalizes people who sacrifice income in order that they can care for their elderly parents. That is just plain wrong.

The Finance Committee bill reduces the marriage penalty in a rational sensible way, by making the standard deduction for joint filers twice what it is for single filers, and by making the ranges at which income is taxed at the 15% and 28% rates twice for joint filers what they are for single filers. This recognizes that marriage is a partnership in which two adults share the household income. Our approach cuts taxes for all American families. The Democrats call this a ''bonus.'' We calm it common sense.

Mr. GRASSLEY. Mr. President, how much time do we have remaining on this side of the aisle?

The PRESIDING OFFICER. The Senator has just a little less than 3 minutes.

Mr. GRASSLEY. Mr. President, I yield myself 1 minute. And if somebody else wants the remaining 2 minutes, I would be glad to yield it.

I take this opportunity, just before the cloture votes, to clear up a couple things. First of all, the Senator from North Dakota is a very good friend of mine. I work very closely with him. I do not dispute what he said. But I do want to clarify his reaction to my saying that taxes are as high as they have ever been in the history of our country.

The Senator made the point that taxes have gone down for many taxpayers. Of course, that is true. He concentrated on middle-income taxpayers. But it is mostly true because of the tax credit for children that the Republicans promoted and passed in the 1997 tax bill. For a family with two kids, for instance, that means $1,000 that Republicans provided, or about $25 billion a year.

But despite the protests of the Senator from North Dakota, I still stand by my comments that the overall percentage of taxation is at a historical high of near 21 percent of GDP.

Then in response to Senator ROBB's comments on the Medicare reserve, it is my understanding that $40 billion was reserved for Medicare and prescription drugs in the conference report. I hope and think that the Senator from Virginia is incorrect.

I yield my remaining time to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. How much time remains?

The PRESIDING OFFICER. Forty-five seconds.

Mr. BROWNBACK. I thank the Chair and the Senator from Iowa.

Mr. President, I say to all my colleagues, this is the vote on marriage tax penalty relief. If you support marriage tax penalty relief, vote for cloture so we can consider this bill. We can send a clean bill to the President. If you are not for marriage tax penalty relief, do not vote for cloture.

This is the vote on whether or not we are going to grant marriage tax penalty relief to nearly 25 million American couples. That is what this vote is all about now. It is not about a whole bunch of extraneous amendments. It is about the marriage tax penalty.

If you ran on this issue, this is your chance to vote to say: I am for eliminating the marriage tax penalty. If you ran on it, this is the time to stand up and say: I am for eliminating the marriage tax penalty.

I urge all of my colleagues to vote for cloture to go to the bill.

I thank the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). All time has expired.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Resumed

Pending:

Lott (for Roth) amendment No. 3090, in the nature of a substitute.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment (No. 3090) to the marriage tax penalty bill:

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3090 to H.R. 6, an act to amend the Internal Revenue Code of 1986 to reduce the marriage tax penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned-income credit, and to repeal the reduction of the refundable tax credits, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—53

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Voinovich
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Moynihan	Roth

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the marriage tax penalty bill:

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Parliamentary inquiry: What is the next vote?

The PRESIDING OFFICER. The next vote is on the cloture motion on the bill.

Mr. DASCHLE. Mr. President, parliamentary inquiry: If a cloture vote is invoked on this bill, would the pending amendment offered by the majority leader fall because it is not germane?

The PRESIDING OFFICER. It would.

Mr. DASCHLE. Mr. President, I will vote ''no'' on this cloture in order to protect the majority leader's right to offer his amendment as well as to protect our rights to offer our amendments.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 6, an act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—53

Abraham	Burns	Crapo
Allard	Campbell	DeWine
Ashcroft	Chafee, L.	Domenici
Bennett	Cochran	Enzi
Bond	Collins	Fitzgerald
Brownback	Coverdell	Frist
Bunning	Craig	Gorton
Gramm	Kyl	Shelby
Grams	Lott	Smith (NH)
Grassley	Lugar	Smith (OR)
Gregg	Mack	Snowe
Hagel	McCain	Specter
Hatch	McConnell	Stevens
Helms	Murkowski	Thomas
Hutchinson	Nickles	Thompson
Hutchison	Roberts	Thurmond
Inhofe	Santorum	Warner
Jeffords	Sessions	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Voinovich
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Moynihan	Roth

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CONDITIONAL ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

The PRESIDING OFFICER. Under the previous order, the clerk will report H. Con. Res. 303 by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 303) providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate.

Under the previous order, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the resolution. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced, yeas 55, nays 43, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—55

Abraham	Domenici	Kyl
Allard	Enzi	Lott
Ashcroft	Fitzgerald	Lugar
Bennett	Frist	Mack
Bond	Gorton	McCain
Brownback	Gramm	McConnell
Bunning	Grams	Murkowski
Burns	Grassley	Nickles
Campbell	Gregg	Roberts
Chafee, L.	Hagel	Santorum
Cochran	Hatch	Sessions
Collins	Helms	Shelby
Coverdell	Hutchinson	Smith (NH)
Craig	Hutchison	Smith (OR)
Crapo	Inhofe	Snowe
DeWine	Jeffords	Specter
Stevens	Thurmond	Warner
Thomas	Torricelli	
Thompson	Voinovich	

NAYS—43

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Wellstone
Dodd	Landrieu	Wyden
Dorgan	Lautenberg	
Durbin	Leahy	

NOT VOTING—2

Moynihan	Roth

The concurrent resolution (H. Con. Res. 303) was agreed to, as follows:

H. CON. RES. 303

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, April 13, 2000, or Friday, April 14, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, May 2, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, April 13, 2000, or Friday, April 14, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, April 25, 2000, or such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FISCAL YEAR 2001 BUDGET—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany the concurrent resolution on the budget, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, having met

have agreed to recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of April 12, 2000.)

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours of debate, as follows: 90 minutes under the control of the Senator from New Mexico; 90 minutes under the control of the Senator from New Jersey; and 1 hour under the control of Senator REED of Rhode Island.

Mr. DOMENICI. Mr. President, on our side, I do not intend to yield back time until Republican Senators have indicated to me they do not want any time. I do not know why we need a full hour and a half on our side, and I do not know why they need a full hour and a half plus 1 hour, which is 2½ hours on their side.

I yield myself time off my hour and a half.

I noted a minute ago that present on the floor was Senator SNOWE. While I wish to discuss a number of issues, I want to say to her, and to those who supported her, that because of her diligence, this budget resolution has a reserve fund of $40 billion to be used for Medicare prescription drugs and Medicare reform.

Frankly, I note that the House, at least on the majority side, is already discussing what they would do. Clearly, this $40 billion will go to the Finance Committee of the Senate because Senator SNOWE, Senator WYDEN, and Senator SMITH in the committee worked very hard to get it done. I will say what has changed so I will not, in any way, overstate the case as to what Senator WYDEN did.

But essentially because of OLYMPIA SNOWE's dedication, we put $40 billion in a reserve fund. That means the Finance Committee can go to work on a bill, and the money is waiting for them to do a bill that meets the mandates or the qualifications of this reserve fund. We have, as she requested, up to $20 billion for prescription drugs and up to $20 billion for reforming the system so that it will do a better job and a more efficient job while we are adding some new benefits.

I think everybody who has looked at it thinks that is what we ought the do.

In committee, there was a mandatory date by which this had to be done. In conference with the House, that was refused. So we won half the battle. We got the $20 billion and the $20 billion, as I have described, which is $40 billion, but we did not get the mandatory date. We are going to have to rely upon the impetus that will accrue over the ensuing days because of the House action and the desire of this body to have our Finance Committee produce a bill. I have every confidence that they will.

Having said that, I yield myself about 10 minutes to describe where we are.

If, in fact, we adopt this budget resolution this evening, I say we are getting better all the time at getting our job done. The occupant of the Chair will be pleased to know we have had a Budget Act for a long time, since 1974. For all those years, if we produce this budget tonight, we will have produced three budget resolutions on time. That means April 15 had come and gone most years, and we could not get our job done because it was so contentious and so difficult. It will mean that 2 years in a row—last year and this year—for the first time in history, we adopted a budget resolution on time, by April 15.

That speaks for itself. It means, however, that we can get started on the work that must be done to implement this work. We can get started sooner, earlier. With the hard work that is going to be done predominantly by the Appropriations Committees, and the Finance Committee in our body, we may very well get most of our work done in a very timely manner and be able to leave here before our respective conventions with the people's business having been accomplished.

I think that would be a pretty good achievement. I will agree that it has been a very hard job. I will also indicate openly, it was very difficult for me. This work is about as difficult as any I have done in getting something accomplished. Again, it is partisan. We produced it with Republican votes. That is the way it normally is on a budget resolution. Then we will proceed to try to implement it. We will do our best.

Let me summarize, so everybody will know what this resolution does. Then, in due course, we can hear from the other side as to what they think it does not do and what they would like to do.

But I say to the Senate, I have seen an atmosphere that indicates the theory which I adopted—starting last year when we had a big surplus—that we better take a little bit of this money and allocate it to the taxpayers is resonating every day, with more and more assurance that if we do not, there will not be any surplus.

I know the occupant of the chair is a fiscally responsible person. He has his ideas. I see new bills being proposed because, indeed, we have a surplus. People have not done anything for 40 or 50 years, and they are introducing a bill that would cost anywhere from $2 to $5 billion, and all of a sudden it becomes expedient that we do it, and we must do it now.

We hear about all kinds of new bills that are now big-need items in America. Let me suggest, for those who say it is too early to have tax relief, if we do not do it pretty soon, there will be no surplus left for the taxpayer.

Our budget resolution says: If you can, Senate and House, produce some tax relief. It says if you cannot, all that money, over 5 years, goes to the debt, I say to my good friend, Senator GORTON.

But let me suggest that we are right; we ought to put in money to have some tax relief. I will give you the paramount reason for that. On this floor, immediately prior to the consideration of this budget resolution conference report, what were we discussing? We were discussing the marriage tax penalty reform—meaning married couples in America, including the couples married this year, when they file that April 15 tax return early next week, they are going to be penalized, on average, $1,400 because they are married.

Why should we wait around for another decade, when there are the kind of surpluses we have seen in this budget resolution, to provide tax relief for the American people?

The Democrats have been arguing: The Republicans are going to enhance the rich of America with their tax bill. They are going to use this relief and give it all to the rich people.

It should come as no surprise that 50 percent of the tax relief we are talking about—$64 billion; almost 50 percent—is going to go to cure the marriage tax penalty. There may be some who will get up and say that is helping the rich. But I am saying, it is something most Americans do not believe is American law. Most Americans say: Are you kidding? Are we punishing two people who are married, who work, who file joint returns? The answer is yes, and we want to fix it.

For those who say wait until we fix Social Security, wait until we fix Medicare, wait until we fund all these programs we now see as desperately needed, wait until we fund the President's programs—I say to Senator GORTON, that is a 14-percent increase in domestic spending—just fund it, there will not be any money for Social Security. If you do that 3 years in a row, there is no money for tax relief, and you are using the Social Security surplus, which is for 3 years of domestic funding at the level of the President.

So what is risky? They say it is risky to have marriage tax penalty relief provided for in this bill. I say it is not risky; it is absolutely necessary. It is urgent.

America must show we are concerned about married couples. There is a very longstanding belief in America and in the world, that we ought to try to promote family life, if we can, and married couples trying to struggle through it.

It is not too early. It is the right time. But if we do not do it, I can see it coming between all the new needs that are going to be prescribed for this budget that we have not done in the past, that we are going to have to add to this huge Federal expenditure called the budget, and there will be nothing for marriage tax penalty relief or any kind of tax relief.

So once again, this budget says, over 5 years, $150 billion can be used in tax relief. Right off the bat, when somebody on the other side says it is for the rich, I want everybody to understand

almost half of it is for the marriage tax penalty reform. Second, we don't touch a nickel of Social Security. We have Senator ABRAHAM's part of this resolution which for the next year says the lockbox applies and makes it part of the budget resolution that you need 60 votes to touch or use the Social Security surplus. Then to make it even more logical, we put $170 billion against the public debt this year, the biggest installment on the debt in the history of the Republic, $1 trillion over the next 5 years. This is an enormous payment on the debt. Nothing similar was ever assumed 5 years ago or 10 years ago or, I imagine, for the last three or four decades.

In addition, because of Senator SNOWE's initiative, we provide $40 billion on Medicare and prescription drugs.

On the tax relief—just to show the equity of it all—we put $170 billion on the debt, and we have $13 billion in tax relief in the first year, between 12 and 13. The ratio is about 12 to 1, almost 13 to 1 of debt reduction versus tax relief. Over the 5 years, it is about 8 to 1 in debt reduction versus tax relief. That is pretty good fairness, since we are talking about tax fairness in this budget resolution.

All spending will increase $212 billion over the next 5 years. That includes the $40 billion for prescription drugs. There will be NIH, science, funds for military, funds for health, funds for military retirees, veterans and other high-priority items.

Frankly, I hope we pass this resolution and proceed to prove we tried to try to do this. We think this is the right budget for our time. If we don't hold down spending, except for high-priority items such as defense, education, science, NIH and the like, then the married couples of America can say goodbye to any tax relief as it might affect them and make their commitment to the institution of marriage and family life a little less difficult. After we have done marriage tax penalty relief, we will do something on the tax side for small business, which is the cornerstone of our great success in the last 6 years. We will talk about that later.

With that, unless one of my Republican Senators wants part of my time, I yield the floor and reserve the remainder of my time. I thank the Senate for its attention.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this is the last budget resolution on which I will be working. It has been quite an interesting exercise.

I start off by saying that I hope and believe firmly the goodwill that exists with the chairman of the Budget Committee and myself will not evaporate as we discuss this budget. We are good friends, and we have been good partners in debate and discussion. We disagree on the conclusions. That means no disrespect flowing either way, and I am sure I speak for Senator DOMENICI. It is with esteem and—I use the term carefully—affection that we have worked together.

Now that we have said the good things, we will get on to the others; that is, I firmly believe this is the wrong budget resolution at the wrong time because we are still in the position that, with rare exception, we have almost no bipartisan agreement. I heard Senator DOMENICI describe the former occupant of the chair as fiscally responsible. I assume that ''fiscally responsible'' is kind of a catchall for the side of the aisle that one is on; that others on this side may appear to be fiscally irresponsible.

We can't buy that. We have a difference of view. The difference of view is clearly marked in this budget resolution. What should we do to use the funds we have available on behalf of the American public? Should we focus on those whose incomes are at the middle or the lower end of the scale or should we give the tax breaks primarily to the wealthy of the country? It clearly reflects the values and priorities we each have.

This budget conference report calls for costly and risky tax breaks that would, contrary to the statements made, raid Social Security surpluses. It proposes deep cuts in domestic programs such as education and health care and law enforcement and veterans' benefits and environmental protection. It fails to ensure that seniors will be provided with a meaningful prescription drug benefit. It talks about it, but it doesn't arrange for it to happen. On debt reduction—the Holy Grail that Chairman Greenspan held out as being the cardinal first step, the principle by which we operate in terms of maintaining our fiscal responsibility, paying down the debt—this fails to pay down the debt as much as we can. It fails to make it a priority. It hides the long-term cost of its tax breaks and it puts our economy at risk by weakening our commitment to fiscal discipline.

To understand my contention that the tax breaks in this conference report would raid Social Security, I will take a quick look at the numbers.

The Congressional Budget Office, CBO, says that over the next 5 years, the non-Social Security surplus will be $171 billion. We don't dispute that. The sides have not argued on that count. This assumes that Congress freezes discretionary spending at current real levels. ''Current real levels'' means adjusting only for inflation. In fact, if Congress increases domestic spending at the same rate as it has done in recent years, which has been greater than inflation, the actual surplus would be substantially smaller. Still, to give the majority the benefit of the doubt, let's ignore history for a moment and optimistically assume that the non-Social Security surplus will be $171 billion. The conference report—that report which was debated and agreed upon between the House and the Senate, their budgeteers, our budgeteers, and finally both bodies, they have already passed this so we are being asked to pass it—calls for tax breaks of $175 billion. Now, that is in the face of a $171 billion non-Social Security surplus.

This reduction in future surpluses also would require the Government to pay about $21 billion more in interest payments because we would have more debt. Thus, the real cost of the tax breaks isn't $175 billion; it is $196 billion, $25 billion more than the entire non-Social Security surplus of $171 billion. In clear words, this budget would raid Social Security of $25 billion.

Now, if the tax breaks use the entire non-Social Security surplus, plus $25 billion of the Social Security surplus, how can the conference report also provide funding for any of the new initiatives it claims, such as increases in military spending, prescription drug coverage, and agriculture, to name just a few high-priority items?

The real answer is, it just can't be done. The numbers don't add up. Unfortunately, the majority seeks to sidestep this problem by assuming huge, unspecified cuts in domestic programs. The resolution calls for a 7.5-percent cut in nondefense discretionary programs over the next 5 years. The cut would be, in the fifth year, 9.8 percent. In fact, since the majority claimed it would protect some specific programs, the cuts in other areas would be substantially higher.

We only received a single copy of the conference report last night at about 10 o'clock. So we haven't had the time to fully analyze the impact of cuts such as this. But these cuts are even more dramatic than the cuts proposed in the Senate version of the legislation, which were 8.2 percent in the fifth year. That was the Senate version of the legislation, before it merged with the House in the conference report we are examining now.

Here are some of the examples of the impact of the less severe Senate cuts—once again, the bill we sent over to merge with the House—as estimated by the Office of Management and Budget. We would have 20,000 new teachers not being able to be hired to reduce class size; 5,000 communities would lose assistance to help construct and modernize their schools; 62,000 fewer children would be served by the Head Start Program, which is a very successful program that says early education helps kids prepare to learn. We find that is necessary in our society. Then, there would be 19,000 fewer researchers, educators, and students who would receive support from the National Science Foundation. They do the research that talks about climate variations. We all see what the impending disasters might be like, such as tornadoes and other windstorms with higher and higher velocities and more frequency. And funding for all new federally led cleanup of toxic waste sites would be eliminated. Nine-hundred fewer FBI agents could be retained.

I wonder how the public feels about 900 fewer FBI agents—when we are looking not only at reduced rates of criminality, but also understanding what the need might be; that includes domestic terrorism, it includes fraud, and it includes all kinds of things for which we know the FBI has responsibility. We are going to work with 900 fewer FBI agents?

There would be 430 fewer Border Patrol agents available to safeguard our borders. Well, there isn't anybody I have talked to who thinks we need less protection on our borders.

The list goes on. The actual cuts will be even deeper than those suggested since the conference report calls for substantially deeper cuts than the Senate-passed version of the budget resolution.

As most people around here recognize, cuts of this magnitude are just completely unrealistic. They are not going to happen. Neither Republicans nor Democrats are going to tolerate them. It is kind of putting it off in the future. It may get us through an election cycle, but reality will come home and we will not be able to stand these cuts.

This is not the first time the Senate has assumed deep, unspecified cuts in the budget resolution. Last year's resolution included similarly unrealistic assumptions. Not surprisingly, by the end of the year, the Republican majority of Congress had approved appropriations bills that spent about $35 billion more than it assumed earlier. No doubt something similar is going to happen this year.

Unfortunately, the Republican budget relies on these unrealistic cuts for its tax breaks and its various increases in mandatory spending.

Just to explain, mandatory spending is funding those programs that are decided by the legislature, the Congress—that these programs get a high priority. We recently voted $2 billion more for the FAA—not that people disagree with the need for improving FAA's operations, but the fact is, it is mandatory. That means it gets priority, and no matter what happens behind it, the increases in FAA take place. Well, it has to come from someplace. It can come from transportation, from the Coast Guard, with all of the services they provide, or it can come from other sensitive places. The cost of that spending and the new tax breaks will be locked in up front. The savings, however, will.

When Congress later fails to make the assumed cuts in appropriations bills, funds for the tax breaks and for new spending will require deeper raids on Social Security. We should not let that fact escape. We want everybody to think about it. We want the Congressmen and the Senators who are going home and looking toward reelection to be able to explain to their constituents about how we had to dip into Social Security a little bit, even though everybody basically swore on the sword it would not happen. But it has to happen if this budget is going to stand.

One might think the assumption of deep, unrealistic cuts in discretionary spending would allow the Republicans to claim significantly more debt reduction than the budget proposed by Democrats. However, if one assumes GOP spending cuts actually materialize, which is highly unlikely, the Republican budget would still reduce much less debt than President Clinton and the Senate Democrats. The Republican plan claimed to use non-Social Security surpluses to reduce only about $12 billion of debt over 5 years. By contrast, the President's budget would reduce $90 billion of debt over that same period—more than seven times as much. So it is $90 billion under the President's budget and $12 billion in the Republican budget. This difference in debt reduction helps to show just how extreme the GOP tax breaks really are.

Throughout the debate on the resolution, the Republicans have claimed that their budget contains over a trillion dollars of debt reduction. However, this figure is based almost entirely on Social Security surpluses. These surpluses are called off-budget, and both parties are 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 that Congress will really act on legislation establishing a prescription drug benefit—another program that is saluted, generally. But it is not real. This is in marked contrast to treatment of the tax breaks. Tax breaks have an instruction to the Finance Committee that they must report out a way to get tax breaks. They have to do it. There is quite a distinction between saying we should and they have to. The conference report includes two $20 billion reserve funds that, theoretically, could be used for prescription drugs, but there is no requirement for the Senate to act. It is very unspecific.

The second reserve fund contains vague language that would allow virtually the entire $20 billion to be used for purposes other than prescription drugs. That could leave little more than $20 billion for prescription drugs, which is far short of what is needed to provide an adequate benefit. The Medicare reserve fund, applicable to the House, would allow virtually the entire $40 billion fund to be diverted to purposes other than prescription drugs.

While they say we have to have it, they don't arrange for the mechanism to make it happen.

Compounding matters, Mr. President, the language of the second Senate reserve fund requires that the solvency of the Medicare Program be extended before a single penny can be used either for any prescription drug benefit, or new provider payments. In other words, if you want access to this money to help seniors with prescriptions, you have to cut somewhere else within Medicare first. And that seems very unlikely to happen.

Mr. President, there is only one conclusion to draw from all this: the Republican Party simply is not committed to providing our seniors with prescription drugs. The senior population has to listen to that. For the Republican Party, tax breaks for the wealthy are a much higher priority.

Mr. President, my final concern about the conference report is that it covers only 5 years, not the 10 included in last year's resolution.

People might say: Well, what is the difference between 5 or 10? It matters a lot because a tax break has an effect of compounding significantly in the second quintile. It is going to grow by leaps and bounds.

This has the effect of hiding the long-term cost of its tax breaks. 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.

Mr. President, as of last year, CBO has been producing 10-year numbers. There's no excuse for Congress not doing the same. And if we were serious about preparing for the baby boomers' retirement, we would be sure to plan for longer term costs.

In sum, Mr. President, the Republican majority has made tax breaks that go largely to the wealthy their highest priority. Higher than Social Security. Higher than education. Higher than prescription drugs for our seniors. Higher than reducing our debt. This is unacceptable. And higher than maintaining fiscal discipline.

In so doing, they have produced a budget that is fundamentally at odds with the priorities and values of the American people. A budget that puts our economy at risk. And a budget that fails to prepare for our future.

Just to confirm something I earlier said, the budget resolution, as it came out of the Senate, says the Senate Committee on Finance shall report to the Senate a reconciliation bill. That means they must do it. That is the only place we have any force of law in the Budget Committee. Otherwise, ours is generally a guideline or blueprint for how the Congress should act, putting a ceiling on total spending. It is up to the Appropriations Committee to divide that spending. They say this reconciliation bill shall be done not later than July 14 in the year 2000, and not later than September 13 in the year 2000. So they have 2 days. That is a realistic assignment for the Finance Committee.

There is no such thing for prescription drugs. The Republicans are not asking that we treat prescription drugs

with the same force and the same outcome as we do the tax breaks.

One thing is apparent. One thing is very clear. They are going to protect the tax breaks no matter who they have to take the money from to make it happen—no matter what program they are going to take the money from to make it happen; no matter what it does to the budget and its balance; no matter what it does to debt reduction; no matter what. The primary thing is tax reduction and tax breaks for the wealthy. If you make $800,000, which is kind of the median figure for the top 1 percent, you might get a $50,000 tax cut, if plans go as they are. But if you make $35,000, you could be looking at $1 a week, or maybe even $2, if things go right.

We have to make decisions. There is no room for amendments. There is no room for change. This has been decided. The majority decided. The majority will have to carry it because I predict that there is going to be little, if any, support from Democrats. We don't believe it is fiscally responsible. We don't think it is fair. We don't think it is equitable. We don't think the wealthy ought to be the largest beneficiary of the outcome.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if the distinguished ranking minority member would agree with me on a request. Senator GORTON is going to preside at 4 o'clock. He wonders, if he arrives on the floor 4 or 5 minutes before having to preside, if he could speak on my time for 5 minutes.

Mr. LAUTENBERG. I have no objection assuming that we don't interrupt right in the middle. We will do our best to provide for Senator GORTON.

Mr. DOMENICI. I thank the Senator.

Mr. President, I yield myself 5 minutes in rebuttal. Then I will be glad to yield time to the distinguished Senator from New Jersey.

First, let me explain what we have done on Medicare.

Before any tax relief is provided in terms of dollar numbers, we have already used $40 billion of the non-Social Security surplus for Medicare. That is waiting for the committee, at which time it is assigned to them. We are not gambling. We are saying that is it. As a matter of fact, we are saying if you do not do it, it goes to the debt.

What do we provide with the $40 billion? There is a little, tiny bit of difference between the way we and others see it. And we think there will be a majority for this view when the bill finally gets considered. We say there is $40 billion. We say if you do no reform of the program, there is $20 billion. Let me repeat that. If you do no reform, there is $20 billion for prescription drugs. If you do some reform to stabilize the program, you can use the whole $40 billion for prescription drugs.

That is what Senator OLYMPIA SNOWE of Maine had as the underpinnings of her approach. She wanted some reform. But she wanted to make sure, even if we could not do that, we started a prescription drug program with $20 billion.

If the committee does something like the Breaux-Frist—that is a bipartisan approach—with some reform in Medicare, you understand the Medicare program will be insolvent in about 13 years. I don't think seniors want us to add a benefit that will make it run out of money sooner. I think they would be asking us to see if we could fix it and make it more responsive, more modern, to give them more money for prescription drugs.

Let me repeat that we are not taking this money from anyone. It is aside and apart from the tax relief we are asking for, such as the marriage tax penalty reform that the other side has been delaying here on the floor.

We are saying $40 billion is set for Medicare, and it has two purposes. If you do not reform and make the program more modern so it has a chance of surviving longer, you can use $20 billion of it. It says so in the resolution for prescription drugs. But if you do something such as the Breaux-Frist reform, which is fixing the program, you can use the $40 billion of new money for prescription drugs.

Frankly, I think it is a responsible way to handle a very difficult problem because if you do not ask for some reform to get the full $40 billion, we are going to have $40 billion, and the program next year is not going to be any better off. Then seniors are going to ask: Now what happens? We have prescription drugs, but we are still not going to have any money to pay our regular bills in about 13 years.

I think we are pushing both at the same time.

Let me make my last observation with reference to the difference between the two parties.

All of them are going to vote against this. It really says you cannot pass the marriage tax penalty which is going to cost the Treasury about $64 billion over 5 years in the name of fairness to married couples. You can't pass that, they say, until you have done all of these other things that Government wants done for the Government. And there will never be a time when we are going to have a surplus to give to the hard-working people of this country, in particular, relief items such as the marriage tax penalty. There is not going to be any money around. Don't kid anyone. There is a very big difference.

I ask that you take a visual inventory with me about the announcements of late by the administration, the Secretary of Energy, and many others: We have new programs on which we have to spend money. It isn't enough that the President already provided a 14-percent increase in domestic discretionary. There are all the new needs.

What money will they use for the ''pay fors''? Does anybody have any idea? Is the money coming from heaven? New manna in the desert? Of course not. It will be the surplus we think ought to go back to the taxpayer in the form of tax relief after we spent money to increase government.

We have money to increase government, but how much is enough? I think there is enough money available to leave a little bit. I rechecked my notes, and the tax relief in this first year is $11.6 billion; the debt reduction is $170 billion. How can anyone say we are not reducing the debt when that is the largest payment on the national debt in the history of the Republic? This resolution says: Don't touch Social Security. You will reduce it by $1 trillion—hardly a number we can understand—and still have a little bit left over for such things as tax relief for married couples in America.

That is the big difference. They want to wait, we don't know how long, but perhaps until we solve every problem we have in government with reference to Medicare and everything else. Don't give the taxpayer back even this little tiny amount.

I hope the Republicans will support this. I am very proud of the difference.

They would not have put more than $40 billion in for Medicare if they were producing their own resolution. That is about the right number on which they could get consensus on their side of the aisle. They would not put 50 or 60 or 80. If you put 40 in, there is money left over for the taxpayer. That is the truth of the budget resolution.

There will be a historic debate on education reform in a couple of weeks. I am very pleased to know we have probably had something to do with precipitating that reform debate. There is enough money to increase education. It is obvious to this Senator the Republicans are not going to go for an increase in education money if it is status quo for education, if we are going to do more of the same, because more of the same isn't good enough. We need to do something very different in education and spend more money doing it. We are going to have an opportunity to have that discussed.

This conference report assumes $45.6 billion in 2001 for the Department of Education. That is overall, for everything—a $10 billion increase. Not exactly for what the President wants but overall in this function. That is what is provided.

This is an election year. The administration and Secretary Richardson have the latest idea to take care of anyone who worked in a nuclear facility over the last 50 or 60 years. I know they are good sounding bills, but it is also an election year.

I say to the taxpayer and to married couples of America, beware of an election year. In this country, an election year means they want to spend all your money and try to convince you that is right, leaving nothing to repair problems in tax law such as the marriage tax penalty. Beware. They will have more spending programs than you ever

heard of, including a 14-percent increase in domestic discretionary spending by the President in his budget in an election year.

The Republicans say: We want a change; we don't want the huge add-ons to government. We think in the scheme of things, over the next 5 years, the taxpayer ought to get a little bit of relief.

That is the difference in the two bills. I think it is a good difference. When they say rich people are going to get the benefit of the tax relief on the marriage tax penalty, that is unfair. We want to fix it. How many want to do that? We win that. We have to use some of the surplus to pay for that kind of reform. That money doesn't grow on trees. That money has to come out of the coffers of the United States. It doesn't belong to the Government.

I am pleased to yield 5 minutes to Senator GORTON, and then I yield back to the Senator from New Jersey.

Mr. LAUTENBERG. I appeal to my friends on the Democrat side, as well as others, we only have a total of 3 hours, plus an hour that Senator REED has, for Members to talk. Members need to be prepared to come to the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, there are, in my view, two remarkable aspects to the budget resolution conference report before the Senate this afternoon.

The first is, I believe for only the third or fourth time since the Budget Act was passed, the promptness with which the Senate is dealing on a final basis with a budget resolution that is the springboard from which we will do the substantive work of the appropriations for the balance of this year. For that promptness, for the efficiency with which the Senate has dealt with this issue, we owe our deepest and sincerest thanks not only to the chairman of the committee, my friend, PETE DOMENICI, but to the staff who have labored so long and so hard on a highly technical and complicated task.

More significant perhaps than the significance of finishing our work on time is the substantive nature of this budget resolution. It is exquisitely balanced among three separate needs: The need to adequately fund those programs that are already major responsibilities of the Federal Government; the need to provide for additional programs of considerable interest, the most significant of which being the Medicare program about which Senator DOMENICI spoke earlier, but also including priorities with respect to education—particularly close to my heart—and to our national defense.

The second substantive element of this budget resolution is the dramatic reduction in the national debt it will cause. It is only a short period of time since we were discussing how we could reduce annual national deficits of upwards of a quarter a trillion a year. Now we face the equally difficult but far more pleasant prospect of paying off the national debt at a very substantial rate.

The third element in this budget resolution is the opportunity to provide tax relief for hard-working Americans who pay taxes. The chairman of the committee, Senator DOMENICI, pointed out the importance of the bill, which regrettably was subjected to a filibuster earlier today, to end the unconscionable penalty against married Americans, both of whom are at work. The thought that a couple in love, even in relatively modest professions, should pay a penalty for getting married rather than receiving the approbation of society for doing so is bizarre. To have the ability to provide for that marriage tax penalty relief, amounting, as the chairman pointed out, to almost half of the allowed tax relief in the bill, is a vitally important part of this budget resolution.

As the chairman himself pointed out, if for some reason we cannot pass tax relief, or if for some reason we pass a tax relief bill that is vetoed by the President, then that money should go to further pay down the national debt. Regrettably, many of the Members on the other side, as evidenced by their actions just a week ago when we were debating this issue on the floor of the Senate, would prefer to spend it. I suspect if we added up the expenditures contained in all of their unsuccessful amendments, we not only would have spent the entire general fund surplus, but we would have once again eaten into the Social Security surplus as well.

In summary, we have a budget resolution that allows us adequately to fund the functions of government. It allows us to meet some new needs and desires of the American people. It allows us modest but still significant room for tax relief. It makes dramatic payments on the national debt.

For each and every one of those reasons, we not only owe our thanks to the chairman of the Budget Committee and to his staff, I believe we owe our votes in favor of the resolution.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Who yields time? The Senator from Rhode Island.

Mr. REED. Mr. President, I request to be recognized out of my time under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is so recognized.

Mr. REED. Mr. President, we are spending a few moments discussing the budget. There are obvious differences on both sides with respect to this budget. I commend the chairman, Senator DOMENICI, and the ranking member, Senator LAUTENBERG, for their efforts over many months to fashion a budget and bring it to us.

My focal point is not on the vote that is forthcoming; it is on the vote we just concluded with respect to adjournment. In many respects, I share the overall sentiments of the Senator from West Virginia that it is about time we get down to work and business, and if we need to take time to consider the marriage tax penalty and other provisions, we should do that, rather than arbitrarily and conveniently walking away.

The concern I have goes to another critical issue, and that is the issue of our inability over many months to bring to this floor a conference report on the juvenile justice bill which includes sensible gun safety measures we all adopted in the wake of the Columbine tragedy.

The first-year anniversary of that tragedy is just 7 days away, and we will not be in Washington working on this issue; we will be scattered around the country. I believe—and that is why I joined many of my colleagues voting against adjournment—that we should be here working rather than off about the country on April 20 saying, I am sure, thoughtful and pious comments about our outrage at what happened at Columbine High School and the need to do something. We should be here instead doing something, and our departure should be tempered with the realization that we have for months foregone effective action to provide sensible gun safety rules in this country.

We all were shocked last April 20 by the carnage and horror at Columbine High School. Within a month, in May, we passed extremely sensible provisions as part of the juvenile justice bill to provide for child safety locks, to close the gun show loophole, ban the importation of large-capacity ammunition clips for automatic weapons, and many other provisions. Yet all of our efforts have languished for months. In fact, the conference committee met just one time in August in a perfunctory meeting, and since that time, it has not even come together to consider these difficult issues and to seek a compromise resolution so we can send this measure to the President to become law.

We are leaving today with our work undone. I had hoped we could have stayed. I had hoped we could have worked harder and more efficiently so that we could, in fact, have a conference report with gun control measures that would be sent to the President for his signature.

The Columbine tragedy is just one aspect of a pervasive climate of gun violence in this country that claims 12 children a day. We have to take effective steps to prevent that tidal wave of gun violence.

I note the other body, responding to the pressure of public opinion and the sensible nature of the provisions we are talking about, moved last Tuesday to enact legislation that provides enhanced penalties, mandatory minimum sentences on any person who uses a gun while committing a crime of violence or is involved in serious drug trafficking offenses.

No one is going to argue about the need for strong enforcement and stiff

penalties, but enforcement without adequate, sensible, comprehensible laws misses the point. We have to do both. Indeed, we insist both be done.

My colleague, Senator DURBIN of Illinois, has been very forceful in trying to, within the context of this budget, enhance the resources devoted to the enforcement of our gun laws. He has met opposition. That opposition, I believe, should fade. We can and must do both: Prevent gun violence by good, sound, commonsense laws, and enforce those laws so we further add to the prevention of violence in our community.

One other aspect of this enforcement issue is the simple fact that we cannot enforce loopholes. We have to have legislation that is sensible, practical, and works. We found, particularly in the case of the gun show legislation, that the current regime just does not work. Senator LAUTENBERG's amendment on the juvenile justice bill will effectively close that loophole and give our authorities credible and effective means to prevent easy access to firearms by those individuals who are prohibited, either through criminal records or a history of mental instability.

There are other aspects within the bill that are so clearly and obviously necessary and, indeed, noncontroversial. In poll after poll, 89 percent of Americans support child safety locks, support the notion that these safety locks should be sold with a weapon and, indeed, should be incorporated in the design of a new weapon. The State of Maryland last week, in a very courageous legislative act, passed legislation that will do just this.

The need is quite clear. For children under the age of 15, the rate of accidental gun deaths in America is nine times higher than the rate of 25 other industrial countries combined. Often, I believe, there is a misperception about the nature of gun violence in this country; that it is the result of hoodlums attacking innocent citizens, victimizing them with handguns, when, in fact, there is an extraordinary number of children who are killed accidentally. Here, certainly, is a situation where a child safety lock can and should make a difference.

There is another aspect of gun violence in America and, again, it is not the gangs with guns attacking innocent citizens. It is the fact that guns are frequently used in suicides. For young children under 15, suicide deaths from guns are 11 times higher than that of the other 25 industrial nations combined. In fact, 54 percent of all firearms-related deaths in 1996 were suicides. Once again, a child safety lock might have helped, might have deterred for a moment a child, or even an adult, who was so desperate, so distraught that they contemplated and sadly acted out a death wish.

These statistics alone warrant the legislation—in fact, demand the legislation. There is a wealth of research that suggests the likelihood of suicide among adolescents increases by the ease of access to firearms—suicide by firearms.

According to the National Journal, one study last year found that three-fourths of adolescents who use a gun to commit suicide obtain the gun from the family home.

The Injury Control Research Center at the Harvard School of Public Health found in a 1999 survey that 20 percent of gun owners stored their guns loaded and unlocked. This is a situation, again, that cries out for sensible control of weapons to prevent these tragic and unnecessary deaths.

There is a national survey—the largest ever conducted—on gun storage by the American Journal of Public Health which found that more than 22 million children in the United States live in homes with firearms; and in 43 percent of those homes, the guns are not locked up or fitted with trigger locks.

Simply by the adoption of a national requirement to have trigger locks on weapons, we cannot ensure that each and every gun will be locked up and secured. But certainly, we will have a much higher percentage of those weapons that are secured if we pass legislation of this kind.

If we require a safety lock to be provided when a gun is sold, if we give parents and adults who buy these weapons not only the incentive but the actual lock, we can, I hope and expect, reduce these types of deaths among children.

In fact, we probably should be doing more because there are many States that have child access prevention laws—or CAP laws as they are called—which encourage the safe storage of firearms by holding adults accountable if they knowingly keep a firearm within their home where a child might have access to it and that child, in fact, obtains the weapon and uses it to harm themselves or to harm others. Senator DURBIN has such a bill. I am proud to be a cosponsor of that legislation. This legislation is working.

A 1997 article published in the Journal of the American Medical Association analyzed the effect of CAP laws in 12 States. The JAMA study found that, on average, there was a 23-percent drop in accidental firearm-related deaths among children younger than 15 years old.

There has been an overall downward trend in unintentional shootings in the United States since 1979. That is encouraging. But indeed, we saw a much steeper decline in those States that had child access prevention laws.

But if we are not yet ready to consider a child access prevention law, the least we can do, the minimum we can do, is follow through on our vote of last May and ensure the conference committee sends to us quickly the child safety lock legislation that we passed.

There is another important part of the legislation that is pending in the conference committee, and that is the legislation that was sponsored and championed by Senator LAUTENBERG with respect to the gun show loophole. This particularly resonates at this moment when we are days away from the Columbine tragedy, because, in fact, three of the weapons used in the Columbine tragedy were bought at gun shows from unlicensed dealers who did not have to perform background checks.

The two killers, Dylan Klebold and Eric Harris, along with an older woman friend, Robyn Anderson, went to a gun show and obtained these weapons. In fact, it is reported that both Harris and Klebold went from table to table, from booth to booth, trying to find an unlicensed dealer, knowing they would not be subjected to a background check.

In fact, Robyn Anderson herself testified before the Colorado Legislature that she would not have helped these young men if she knew she had to face a background check.

What more compelling evidence can we have of the need and the effects of this legislation than the reality of the tragedy at Columbine High School?

There has been a lot of talk by the gun proponents that a 72-hour waiting period is involved in this amendment. It is not the case at all. There is not a waiting period. What it requires, though, is that the law enforcement authority would have 72 hours to fully conduct the background check. The gun lobby and their allies say that would completely undermine gun shows, which are weekend events, which start up on a Saturday and end perhaps in midafternoon the next day, Sunday. They say they could not do that.

In fact, not only could they do it in the vast majority of cases, but they should do it because we should have the same Brady law applying to all dealers at a gun show.

It turns out that the FBI indicates, in their statistics, that most gun purchases are processed extremely quickly. In fact, using the national instant check system, the FBI clears 72 percent of gun buyers within 30 seconds; another 23 percent are cleared within 2 hours. So 95 percent of the people who attempt to obtain guns are cleared within 2 hours. It is only that other 5 percent who might require an additional day or two.

But of that 5 percent, they are 20 times more likely to be prohibited from possessing a firearm. So the reality is that those people who argue for no background checks at gun shows or they have to be limited to 24 hours are simply protecting those who are most likely to be prohibited under the law from purchasing a firearm, a handgun.

In fact, the vast majority of gun purchasers, those law-abiding citizens, those individuals that the NRA points to as their sterling members, would not be impeded at all. They would be checked within 2 hours.

The other aspect of this, in terms of requiring additional time for law enforcement officers, is that if there is a problematic application for a purchase, if there is a suggestion or indication

that the individual is not qualified, then those law enforcement officers need the time to check out records, to go to a county courthouse or to go someplace else to get the records that would be virtually impossible if this was limited to 24 hours on a Saturday or a Sunday.

Frankly, they have to do it because there is a due process requirement. If you are going to turn down an individual from obtaining a firearm, that police officer has to have sufficient evidence, real evidence—not hearsay, not the feeling that something is wrong, not a thought that they heard about this individual someplace, in the coffee shop, that he is unreliable or might have been convicted of a crime—they have to have tangible evidence. Otherwise, they will be sued, probably by advocates and proponents of the gun lobby. So this is a real, practical and necessary need for enforcing the law.

But what we hear consistently from the gun lobby is lots of misinformation: It will close down gun shows. There is a waiting period.

All of this is wrong. The Lautenberg amendment is sound, practical, pragmatic legislation that will deal with the problem, that will not at all impede the vast majority of purchases of firearms at gun shows, and will contribute significantly to the elimination of, we hope, or at least a diminution of the gun violence we are seeing in the country today.

In the Senate last week, we had the opportunity to vote on a resolution I proposed that would urge the conferees to send a report back to us before April 20, including all of the provisions I have spoken about, that would, in fact, give us the chance to send this to the President for his signature. The vote on April 6 was 53–47, with a bipartisan majority. That vote has started some wheels turning.

On April 11, Mr. HYDE, chairman of the Judiciary Committee in the other body, and JOHN CONYERS, the ranking member, sent a letter to Senator HATCH saying:

> We write to request a juvenile justice conference meeting as soon as possible.

We are making progress, but we are going to lose this momentum and this progress as we leave this week. Perhaps that is intentional. Perhaps this is about stopping the momentum that is building up, playing for time, hoping that we forget about Columbine, hoping that when the anniversary comes, we will be all around the country and the world and not here to respond to the concerns of families in this Nation who are deeply concerned about this issue.

I have spoken about the aspects of the legislation. I have spoken about the logic behind it, the statistics that strongly support it. Ultimately, this is about people's lives in America —sadly and too often, about children's lives.

On February 29, a 6-year-old, Kayla Rolland, was shot to death by her 6-year-old classmate in Mount Morris Township, MI. I have said this before and it bears repeating: If any of us last May stood on this floor and said a 6-year-old child would be shot to death with a handgun by another 6-year-old child in a school in America, we would have been accused and lambasted as a hysterical demagog who was trying to stir up unreasonable fears and concerns for political advantage.

The truth is, it has happened. A 6-year-old is dead, shot by another 6-year-old in a school in this country. That week, Kayla's death was just one of other deaths of children that go unheralded because 12 children die a day. For example, one young woman in Carroll County, MD, 18 years old, died of an accidental gunshot wound to the head after she and her friends were admiring her father's .22-caliber revolver. Where were her parents? They were in Costa Rica as missionaries. Had there been a law requiring a trigger lock, had the gun salesman been required to provide a trigger lock with this weapon, I have to believe parents such as that would have locked up the weapon. As those teenagers were admiring the weapon, it wouldn't have discharged. We might have been able to save a life if we had acted. Think of the lives that are being lost because we are not acting.

Another 16-year-old boy in Shopiere, WI, and his friend were horsing around with a .22-caliber pistol his mother kept for protection. It was usually stored in a dresser, but they got ahold of it. After posing with the gun for pictures, the boy pointed the gun to his head. It went off, killing him. As his grandmother said: It was kid's play, total kid's play. Ask yourself, had that weapon been secured with a child safety lock, would it have gone off as two young kids horsing around posed with it? Probably not.

Then a 15-year-old boy in San Bernardino, CA, found his stepfather's handgun, while his pregnant mother slept, and used to it shoot himself. Perhaps at the height of desperation, if he had seen a lock on that weapon, he might have been deterred for a moment, enough time perhaps to somehow come back off the edge rather than to plunge into the abyss and take his own life.

A 16-year-old girl in Altoona, PA, argued with her father about her curfew. He was a gun collector; he had handguns. She found one and killed herself—over a curfew. Perhaps, again, if there had been a child safety lock, some other protective device, that momentary pique, that momentary anger we have all had with our parents, would have resulted in perhaps an annoyance but not death.

That is just one week in America, the week Kayla Rolland died. But it is every week in America, 12 children a day. We can do more. We should do it, rather than leaving today and going off on our recess. That would be the greatest tribute to the 12 young people and the 1 teacher who died in Columbine High School.

I would like to say the conference committee has been working, but that is not accurate. They have been waiting for a year. We have been waiting for a year. We can do more. We should do more. We must do more. The American people want it. The American people expect it. The American people deserve it—certainly the families of those children who were killed at Columbine and the 12 children a day who are victims of gun violence in this country.

I realize we have lost that vote on adjournment. We will be back. We will come back again and again and again until we pass sensible gun safety legislation to make this country a bit safer and, hopefully, do what the American people sent us here to do: To protect their children and ensure a rule of law and not an error of violence that claims the lives of children each and every day.

I yield the floor and reserve the remainder of my time.

Mr. LAUTENBERG. Mr. President, I yield the Senator from Massachusetts 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the budget resolution that Republicans put before the American people today proposes an unacceptable change of course, at a time when the Nation needs to stay the course of the investments that are driving our historic economic expansion. This is a budget that reverts to the days of trickle-down economics, despite all the evidence that it will only widen the unconscionable gap that already exists between rich and poor in our society. It fails to respond to the challenges the Nation so obviously faces in education, health care, prescription drugs for the elderly, youth violence, firearm safety, hunger, scientific research and development, and environmental protection.

The Senate improved the House budget resolution in important respects last week, but the House position prevailed on every issue during conference. The document before the Senate today is far less satisfactory than the budget the Senate sent to conference last Friday. The Senate resolution dedicated just $2.7 billion of the $150 billion Republican tax cut to Pell Grants that help low-income, high-achieving students attend college. But the House Republicans killed even this modest incentive for college education, preferring to keep every possible dollar for more tax breaks for the wealthy.

The Senate resolution included an $8.5 billion reserve fund to expand early learning opportunities, so that young children enter school ready to learn. This was a bipartisan amendment that Senator STEVENS, Senator JEFFORDS and I offered. But House Republicans blocked it.

The Senate resolution included a pledge that the minimum wage should be increased by $1, but the House Republicans rejected it.

The Senate minimum wage provision expressed our fundamental commitment that many of the hardest working Americans working 40 hours a week, 52 weeks of the year, ought not to have to continue to live in poverty, nor should their children. But it was rejected by the House conferees.

The Senate resolution even included a provision by Republican Senator ARLEN SPECTER to increase funding for medical research. But again, House Republicans rejected it.

Instead, the Republican budget resolution that emerged from conference is a shortsighted scheme to protect narrow special-interests instead of the national interest. I'm proud to join my Democratic colleagues in voting against it. We will continue the battle for a fair budget in weeks and months ahead. But the final battle may well be on election day, when the American people at long last will have the choice to elect the Congress that will make the right investments, not the wrong investments, for the Nation's future.

During last week's budget debate we heard many statistics that are misleading at best. When we cut through all the ''smoke and mirrors,'' what matters is that this unacceptable budget resolution supports a huge tax break for the wealthy that the Nation can't afford.

The independent Congressional Budget Office confirms that the Republican budget resolution reduces domestic discretionary spending by an average of 6.5%. It is impossible for this Congress to write honest appropriations bills with cuts that drastic. Our Republican colleagues couldn't make the numbers add up without massive accounting gimmicks last year, and they can't do it this year.

Our Republican friends say that they designed this budget resolution to curb the gimmicks used last year. But we all know there will be new ones used to pretend to meet the urgent needs our country faces.

This budget also prevents us from acting to reduce the number of low-income working families who have no health insurance—to rebuild our crumbling public schools, to reduce the hunger that still afflicts 3 out of every 100 American households—to make college affordable for low-income students—and to achieve the scientific advances that are so close.

Tax breaks for the wealthy are what this budget resolution is all about. No other subject is treated so often and so thoroughly. There are reconciliation instructions on tax cuts, reserve funds for tax cuts, and even provisions for more tax cuts if the surplus grows. The only things that this budget resolution requires committees to report are tax cuts. The only procedural protection under ''reconciliation'' provided by the resolution is for tax cuts.

Democrats support affordable, targeted tax cuts, and they should be enacted promptly. But the merit of a tax cut depends on its size and its distribution. It is obvious that these GOP tax cuts are excessive and irresponsible. They offer plums for the rich and crumbs for everyone else, and President Clinton will be right to give them the veto they obviously deserve.

The budgets we vote for say a great deal about our values. It is easy to pay lip service to meeting the Nation's unmet needs. But a budget clearly shows whether we are willing to allocate resources to address those needs effectively.

This budget does not pass the laugh test. It does not seriously address the range of important challenges facing America. It does not meet our national needs in education, in health care, in medical and other scientific research, in security for senior citizens, in environmental protection, and in public safety. On all these issues, it is a failed budget, because it fails America. It gives the most to those who already have the most. It pretends that the Nation has no unmet needs—and it deserves to be defeated.

Mr. President, one very important aspect of the budget that was altered and changed in the budget conference report concerns the issue of prescription drugs. This issue was before the Senate Finance Committee. We had debate on this measure on the floor during the budget consideration. We hoped to be able to have debate on this issue when we talked about the marriage tax penalty. Look at the contrast between the way the budget conference considered tax breaks and how the conference committee addressed prescription drugs—an issue that is calling out for action by this Congress, and calling out for action now.

We made some progress in the budget resolution that passed the Senate earlier, but look at what happened in that conference. Look at what happened on one of the most important issues in this country today. Providing America's seniors with the help they need in order to survive, through a responsible, comprehensive prescription drug benefit that will be affordable and that will include basic benefits, as well as catastrophic coverage must be a priority.

Look at the difference on what we call reconciliation of revenue reductions in the Senate. In other words, what did the budget resolution say in the conference with regard to tax cuts? It says that the Senate Committee on Finance shall report to the Senate a reconciliation bill not later than July 14 of the year 2000, and not later than September 13, 2000, that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by $11.6 billion in 2001 and $150 billion for fiscal years 2001–2005. Not later than July 14 or September 13. This is what is in the conference report with regard to prescription drugs.

Whenever the Senate Committee on Finance reports a bill which improves access to prescription drugs for Medicare beneficiaries, the chairman of the Committee on the Budget may revise to accommodate such legislation $20 billion over the period of fiscal years 2001 through 2005. Then the (b) section talks about Medicare reform.

We have changed some rather specific instructions on prescription drugs—improving access to prescription drugs. The seniors of this country know the difference between access to prescription drugs and a benefit package that includes prescription drugs. Access to prescription drugs may mean a bus ticket for a senior living in Maine or any of the border States to go over to Canada. That is access to prescription drugs. We are not talking about access. We are talking about a benefit package that is going to be meaningful to our senior citizens.

That is what this debate has been about. Our seniors understand which benefits they receive and they understand which benefits they don't receive. One benefit they do not receive is a prescription drug benefit. In addition, the $20 billion which may have access to prescription drugs at this time is half the amount the President has recommended.

This is a clear abdication of this body's responsibility to our seniors. We cannot go home without taking action on an effective prescription drug program. We on this side of the aisle feel strongly that one of the priorities that should have been attended to prior to a tax break is an effective prescription drug program; one that is universal, basic and catastrophic, and affordable—affordable to the individuals and affordable to our government.

But, no, we get lip service on the issue of prescription drugs in this particular proposal. That in and of itself should be enough reason to reject the proposal. If you vote for this budget, you are not serious about making sure our seniors are going to have prescription drugs. You cannot vote for this budget and say you are serious about prescription drugs because this budget does not provide the necessary assurance to our senior citizens.

I will take a final minute to talk about the drug crisis America's seniors are facing. Prescription drug coverage is going down at the same time drug costs are going up. I shared with the Senate the other day the reality our senior citizens across this country face. A third of all senior citizens don't have any prescription drug coverage at all; another third are losing coverage. These seniors have employer-based coverage, which is declining dramatically every single year. Then there are seniors with coverage through HMOs; their coverage is being squeezed out. The only group that has reliable coverage are the poorest of the poor who are covered under the Medicaid program. Prescription drug coverage is not just another benefit, it is life and death for our seniors.

This chart demonstrates what has been happening to drug costs. We are seeing double-digit increases in drug

costs. From 1995, going up; in 1997, up 14 percent; and in 1998, up 15 percent; in 1999, up 16 percent. These increases were at a time when we had an average of a 2-percent increase in the rate of inflation.

This issue affects Americans all across this country; it isn't an issue just in the Northeast. It is an issue in the Northeast, the Southeast, the Midwest, the Northwest and the Southwest. It is a universal issue. Our senior citizens deserve better action by the Budget Committee in the conference. It is a tragedy. But we are strongly committed on this side of the aisle not to give up on this issue. We are going to take every opportunity to fight for prescription drugs. We believe our seniors are entitled to an effective drug program. We think a prescription drug program is absolutely essential. It has to be one of our top priorities. It should have been done right by the Budget Committee.

The prescription drug benefit is more deserving than the tax breaks which are included in this resolution. That was the issue that was before the Budget Committee. That is the issue that is before the Senate of the United States this afternoon. That is the most important reason I will vote ''no.''

Mr. DOMENICI. Mr. President, I note the presence of Senator BOXER on the floor. I have 45 minutes remaining and I will take a few minutes to discuss Senator KENNEDY's remarks.

Mr. President, fellow Senators, nothing could be further from the truth than this budget resolution and this budget conference does not provide for Medicare prescription relief for senior citizens.

Let me state what I think the triggering mechanism would have ultimately done. It would work in favor of those who don't want a bipartisan solution because they could have stonewalled this until the date arrived and then produce a partisan solution to Medicare on the floor of the Senate. But nobody should deny the work and the authenticity of what is in this budget resolution as suggested in our Budget Committee by the distinguished Senator from Maine, Senator SNOWE.

Senator SNOWE recognizes seniors don't want a prescription drug added to a Medicare program that is going bankrupt. We provide in this budget resolution if there is some reform in this program, $40 billion in new money can be used for prescription drugs. I don't want to let my voice grow any louder because I have on different occasions wondered whether talking extremely loud helps with one's case or not. I have no illusions but that I am speaking to myself and I will speak very moderately about this. The truth of the matter is, the Finance Committee of the Senate is challenged by this budget resolution to produce a bipartisan solution to the issue of prescription drugs. Some in this body do not want a bipartisan solution because it will have some of the good points of experts on our side about how to fix this, including the distinguished Senator from Tennessee, Mr. FRIST the distinguished Senator from Maine, Ms. SNOWE, a Republican, and many others.

Let me repeat, this budget resolution says whatever you do on taxes or tax relief, such as the marriage tax penalty, there is in addition to that, $40 billion for Medicare. That is $40 billion that can be used for prescription drugs. If the committee in charge of this wants to use it all for prescription drugs, they have to provide some reform to the system.

Frankly, there is a big split over whether that is what the bill ought to do. But the Budget Committee opted, in this budget resolution, to try to be on the side of pursuing a bipartisan solution in the committee of jurisdiction, which has had 14 hearings, and is going to do something. The House is going its way. Before the year is out, we will have a bipartisan solution on this floor. That is precisely what would be good for seniors. We will take the politics out of Medicare, and we will put money into prescription drugs. That is really what we want to do in this budget resolution.

Some may call it irresponsibility. I call it the height of responsibility. I believe to do otherwise is an invitation to election year politicking about Medicare prescription drugs that is, in the end, apt not to help with the Medicare program which everybody wants to try to fix and add prescription benefits.

I want to repeat, the reason we have tax relief in this budget, and tell the committee to produce it, is the very issue we debated 4 hours ago on this floor called marriage tax penalty reform. It will cost, if we do it right, somewhere between $50 and $65 billion. Where will we get that relief for the millions of married couples? We will get it in this budget resolution and get $40 billion for Medicare, prescription drugs, and reform.

If the seniors understand the two positions, they will say let's go try this; let's have Senators on that committee of finance, Democrat and Republican, working on a solution that belongs to everybody. It will probably be a right solution for the trust fund if it is a bipartisan solution.

So I repeat, there is money for prescription drugs and there is money for tax relief, such as the marriage tax penalty reform that must be adopted.

I reserve the remainder of the time I have on the resolution.

Mr. REED. I yield 10 minutes to the Senator from California from the time I control.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from California.

Mrs. BOXER. Mr. President, I want to say to Senator REED, he is a very powerful voice in favor of sensible gun laws. He is taking every opportunity he can. He has stated this many times, to bring this matter of the juvenile justice bill that contains all these important gun control laws to the floor of the Senate. Today he said we should not adjourn until we take care of this. I think he is making a very important point. We have five important, sensible gun control measures in the juvenile justice bill. We voted for them here. On one of them, it was AL GORE, the Vice President, who broke that tie vote on closing the gun show loophole on which Senator LAUTENBERG had worked so hard, to keep away from children, and to keep away from people who are mentally unstable, and keep away from criminals, access to weapons.

It is a very sad day indeed that we are going home, now, right on the heels of the tragic anniversary of Columbine—those killings occurred a year ago—and we have done nothing.

I want to state for the RECORD, every time my friend Senator REED comes to the floor, I will be there with him as long as it takes. We are going to have a Million Mom March. I don't know whether a million moms will come, but thousands will come to march in favor of these very responsible gun laws. I intend to be there, and many of us will be there with them. We will not stop the pressure.

Mr. President, every budget is a roadmap. This budget takes us down the wrong road at almost every turn. I agreed with one thing that happened in the conference, and I want to say thank you to the House. I am very careful not to say thank you to my chairman, who told me not to thank him for this because he is on the other side. The language calling for drilling in the Arctic wildlife refuge was removed. I am very pleased about that. I thank the House for doing that. I hope we do not have to face that fight this year, next year, or the year after.

But in terms of everything else that happened, this budget got decidedly worse. It is leading us down the wrong road, a road that does not adequately fund education or prescription drug benefits, a road that doesn't reduce the debt enough, a road that leads to risky tax cuts that can derail our economic recovery and therefore endanger Medicare and even Social Security.

This is a road that lacks fiscal responsibility. It has no room in it for a lands legacy bill that people on both sides of the aisle want to see, where we can take offshore oil revenues and put them into good use by expanding our public ownership of precious lands we are losing and preserve historic areas. I think this budget puts America in a risky, dangerous position and it does not meet the needs of our people.

We know what will happen if this budget goes into effect, as it will, and the appropriators carry it out. We will see cuts to the most vulnerable population—cuts in the Women, Infants and Children feeding program, cuts in Head Start, in the Job Corps, in child care, in children's mental health. Those cuts will be perhaps more than 10 percent.

We could not get more funding for afterschool programs even though we

had some bipartisan support. The police chiefs all across this land know that is the best crimefighting program. We could not get that. We know juvenile crime peaks between 3 p.m. and 6 p.m. What does this budget say? We are holding the line on afterschool programs, and the million kids waiting to get in will simply have to wait. One million kids are waiting to get into afterschool programs. That is how popular they are. Ninety percent of the American people want them. The police want them. The President put it in his budget, and they have cut his request in half, leaving 1 million people out of the loop.

I do not understand how we can say we speak for the people when we walk away from a program that has 90 percent approval and one we know works.

Senator KENNEDY has talked about the flimsy prescription drug benefit. It is not going to help our seniors if we make them think we are doing something for them but we do not back it up with funding. Senator CONRAD, who will speak after I finish my remarks, has talked long and hard about a lockbox for Medicare. That was voted down. That is gone.

We agreed to lock up Social Security but not Medicare. It does not do us any good if our people get their full Social Security benefit and they have to turn around and pay more and more for Medicare. They are going to be poor one way or the other. If my colleagues support Social Security, they have to support Medicare. This budget simply does not do it.

My colleagues should see the letters that come from the people in my State who are forced to cut their medicine in half in order to make ends meet. They are choosing between prescription drugs and eating dinner. This is America. This is wrong.

Why does this budget turn out this way? Because of a risky tax cut.

Maybe some say it is good to have a tax cut; maybe they look at the tax cut as helping people who really need it. One roadmap we have is George W. Bush's tax cut. Let's look at that one. What happens if one earns over $300,000? They get back $50,000 a year. They will be popping those champagne corks in the boardrooms. But if one earns $38,000 a year, they will get back about $260 or $280 a year.

Summing up, this budget takes us down the wrong path any way one looks, whether it is looking at tax cuts that are fair and targeted, sensible and fiscally responsible, or it is a prescription drug benefit that makes sense for our seniors, protecting Medicare that makes sense for our seniors, or investing in education which makes sense for our children, or having a reserve fund for our environment.

By the way, on energy efficiency, they slash and burn the President's proposal, and then they say he has no energy policy. This budget takes us down a bad road. It should be rejected, Mr. President.

Mr. ROBB. Mr. President, I regret that I am unable to support the budget resolution that is before us today. Our annual budget resolution supposedly represents our nation's fiscal blueprint, but this document comes up short in terms of what our priorities ought to be. Instead of large, untargeted and unwarranted tax cuts, we ought to be dedicating our resources towards rebuilding our nation's schools, providing Seniors with affordable medication, strengthening Social Security and building up our national defense—in addition to paying down the national debt, so that the federal government can stay out of the capital market and be better equipped to handle dips in the economy in the future. In all of these categories the budget resolution falls woefully short. Through fiscal discipline the past seven years, we finally have the ability to begin to address our real needs. We cannot allow this golden opportunity to slip through our fingers. We owe it to our children and our parents to do a better job.

Mr. LEAHY. Mr. President, I am disappointed that the conference committee dropped an amendment I offered with Senator KOHL that would have applied additional surpluses estimated by CBO to debt reduction rather than tax cuts. I had hoped that this fiscally responsible amendment, which was unanimously adopted by the Senate, would be included in the final version of the budget resolution. Instead, the Committee accepted a House provision that would allow the budget chairman to use additional surpluses for tax cuts above and beyond the $150 billion in cuts already in the resolution. I find it disheartening that Congress is not even willing to commit unexpected surpluses to debt reduction.

In the 1980s, Congress went on a tax cut binge and left the bill for our children. During those years we all saw the lip service paid and the sloganeering about balancing the budget, while we simultaneously tripled the national debt and ran the biggest deficits of any nation in the history of the world. As a result, the national debt now stands at $3.6 trillion and the Federal government pays almost $1 billion in interest every working day on this debt. Now that we have surpluses, we have a chance and an obligation to pay off that debt. This budget resolution fails to live up to that responsibility.

Nothing would do more to keep our economy strong than paying down our national debt. Paying down our national debt will keep interest rates low. Consumers gain ground with lower mortgage costs, car payments, credit card charges with low interest rates. And small business owners can invest, expand and create jobs with low interest rates.

Alan Greenspan and nearly every other economist who has testified before the Senate Budget and Finance Committees has stated that our nation's budget surpluses should be used to pay down the debt. And yet, the Republican budget resolution proposes far less debt reduction than the budgets developed by President Clinton and Senate Democrats. This resolution would use 98% of the non-Social Security surplus for tax breaks which would primarily benefit the wealthy. By dropping our amendment, Congress is in danger of using an even higher percentage of the surplus for tax cuts, and even less for debt reduction. This does not make fiscal sense.

During markup, Senator LAUTENBERG offered an alternative budget that would have reduced $330 billion in debt over ten years, while providing almost $300 billion in targeted tax cuts—cuts that would go towards eliminating the marriage tax penalty, permitting the self-employed a full tax deduction for their health insurance and providing estate tax relief for family farmers and small business owners. Such cuts would be fair and targeted to help all Vermonters, not just the wealthy. Unfortunately, this amendment failed.

In 1993, Congress charted a course of fiscal discipline and the country has reaped the benefits of this successful plan. Republicans and Democrats can rightfully claim their shares of the credit for getting the nation's fiscal house in order. The important thing now is to keep our budget in balance, to pay down our debt, and to keep our economy growing. Unfortunately, this budget resolution fails to make a real commitment to debt reduction, which is why I must vote against it.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask for time off our side off the resolution and ask to be notified when I have consumed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, this is one of the most important decisions we make every year: the question of the budget outline for the United States; what are our priorities; where is the money going to be spent; what are the revenue sources for the United States. The fundamental question is, Are we going to maintain fiscal discipline? Are we going to maintain a strategy that has produced the longest economic expansion in our country's history?

This article appeared in the Washington Post in the business section announcing that the expansion was, at that time, the Nation's longest. This is back in February. Of course, the expansion has now been extended even further. But even then, we had created the longest economic expansion in our country's history. I say when ''we'' created; I am talking about all of us as Americans.

Part of it is a result of Federal policy: the fiscal policy of the country, which is controlled by the Congress and the President of the United States, and the monetary policy, which is controlled by the Federal Reserve. The two work hand in glove to produce economic results for this country.

Obviously, the underlying strength of America is the people of this country. Their hard work, their innovation, their creativity, their entrepreneurial spirit and drive makes this country the greatest economic power on the face of the globe.

It is important to remember the economic strategy and the economic plan that brought us to where we are today. If we look back at the last three administrations and look at the question of the budget deficits that are so important to the fiscal policy of this country and the monetary policy, this is what one finds: The Reagan administration inherited a deficit of about $80 billion and promptly ran it up to over $200 billion and dramatically expanded the Nation's debt over the period of that administration. In fact, they more than tripled the national debt during this period.

Then we had the Bush administration, which inherited a deficit of $153 billion and promptly ran it up to a $290 billion deficit. It actually was somewhat worse than that because this is counting the Social Security surplus. The true deficit, at least as I define it, was well over $300 billion.

The Clinton administration came in, and in 1993, we passed a 5-year budget plan that was designed to reduce the deficit dramatically to take pressure off interest rates and to get this economy moving again. That plan passed without a single Republican vote in either the House or the Senate. These are the facts.

That 5-year plan was put into place, and here are the results. They are clear; they are unambiguous. They show that each and every year that 5-year plan reduced the budget deficit, first, to $255 billion; then to $203 billion; then to $164 billion; then to $107 billion; then to $22 billion. By the end of the 5-year plan, we had done what was perhaps thought impossible when we started. We had balanced the Federal budget.

Now we anticipate a $176 billion budget surplus in this year. This is a plan that worked.

This shows the trend in receipts and outlays, the expenditures of the Federal Government that made this plan work. The blue line shows the spending of the Federal Government; the red line shows the receipts of the Federal Government. This is over a 20-year period.

What it shows is obviously our spending was higher than receipts for an extended period in the eighties. That is why we were running massive budget deficits. When Democrats voted for a 5-year plan to get our fiscal house in order, spending came down each and every year in relationship to the size of our economy, revenue went up each and every year because, in part, we raised taxes on the wealthiest 1 percent in this country, and spending was cut. That is what allowed us to balance the budget, get our fiscal house in order, and kick off the longest economic expansion in our history. That is the record. Those are the facts.

The question is, Are we going to put all this at risk and go back to the old, bad days of ''debt'' and ''deficits'' and ''decline,'' what I call the three Ds? I very much hope we do not return to those policies and those plans and that set of results: debt, deficits, and decline. That would be a profound mistake. Why would we ever turn our back on an economic strategy that has worked so well?

Let's look at the results.

Federal spending is now at its lowest level since 1966. We cut spending with that 5-year plan in 1993. Democrats cut spending because we did not have any help from the other side of the aisle—none. We cut spending because it was necessary to get our fiscal house in order.

The results of reducing those deficits has been the virtuous cycle: Reduced deficits, reduced debt, and reduced interest rates that helps spur investment in the private sector, that helps spur private growth in the private sector, that led to the creation of over 20 million jobs, that gave us the lowest level of inflation since 1965. The virtuous cycle does not end there because it also gave us the lowest rate of unemployment in 42 years.

These are the results of an economic plan that was put in place in 1993. It has also brought down the debt. What a remarkable circumstance. But we have actually started bringing down the publicly held debt. We are in a position to nearly pay it off by the year 2010. We are in a position to pay off the publicly held debt of this country by the year 2013, if we stay on course.

Alan Greenspan, who is in charge of monetary policy—the Congress and the President are in charge of fiscal policy; the Federal Reserve is in charge of monetary policy—the head of monetary policy for our country says: Pay down the debt first. That is what he is urging us to do.

He is not alone because virtually every economist of whatever ideological persuasion who has come before the Budget Committee and the Finance Committee, on which I sit, has told us: The highest priority ought to be to continue to pay down the debt, to put us in a position to deal with the baby-boom generation when it starts to retire and puts enormous demands on Medicare, on Social Security, on veterans programs; that the best way to prepare for the day when they retire is to build this economy, to grow this economy. And the best way to grow this economy is to lift the debt burden that is on this economy.

That is what will hold down interest rates. That is what will keep the Government out of competition in private markets for scarce resources. That will allow additional resources to go into private investment.

This plan, this strategy, has been working. Now, all of a sudden, our friends on the Republican side, who opposed putting in place that strategy that has worked so well, tell us: Ah, well, we were wrong then, but trust us, let's go back to that failed strategy we were pursuing before, and let's try it again.

Why would we do that? It makes no earthly sense.

What will happen if we take this risky approach they are proposing? I submit to you, in their plan they use all of the non-Social Security surplus—all of it—for a tax cut, a tax cut that goes to the wealthiest among us. Senator MCCAIN said it well during the campaign. He questioned the Bush plan to take 60 percent of the benefits of their tax plan and to give it to the wealthiest 10 percent.

Mr. Bush has said, over and over, in his campaign: What they don't know in Washington is, this is the people's money. He is right about that. It is the people's money. The question is, What should be done with the people's money? Should it be given to the wealthiest 10 percent—disproportionately given to the wealthiest 10 percent—or should our top priority be to use the people's money to pay down the people's debt? I submit to you, the highest priority ought to be to pay down the people's debt. But that is not the Republican priority.

It is true they take all of the Social Security surplus and reserve it for Social Security. We do the same thing in our budget. That is the right thing to do. I applaud them for it. But on the non-Social Security surplus, they have quite a different approach.

I think, objectively stated, the non-Social Security surplus is most likely to be about $170 billion over the next 5 years. The Republican plan has a $150 billion tax cut, a $25 billion reserve for tax cuts, and costs another $21 billion in interest. So they have $196 billion reserved for a tax cut that goes primarily to the wealthiest among us when we have only $171 billion available in a non-Social Security surplus.

Where is the rest of the money going to come from? I think it is going to come right out of the Social Security trust fund. We are going to go back to the old, bad days of raiding the Social Security trust fund surplus. I hope not. I do not know how else it happens.

Our priority on the Democratic side is to use the vast majority of the projected surpluses over the next 10 years for debt reduction. In fact, we use 82 percent of the projected surpluses for debt reduction. That is, every penny of the Social Security surplus for Social Security, since it is not used for that purpose immediately, goes to pay down the debt. The Republicans do the same thing. But, in addition, we take 36 percent of the non-Social Security surplus and use that for further paying down the debt.

We also have a chunk of money for tax relief—not nearly as much as they do; we will stipulate to that. Their priority is a big tax cut to the wealthiest among us. Our priority is to pay down the debt.

As I indicated, we take all of the Social Security surplus and use that to pay down debt. But, in addition, we take, of the non-Social Security surplus, 36 percent of it for debt reduction. We take 29 percent of it for tax cuts because we, too, believe tax relief is important.

We would like to solve the marriage tax penalty. We would like to ease the estate tax burden. We would like to deal with some of the other inequities in the Tax Code.

We also reserve 23 percent for high-priority domestic needs such as defense, education, agriculture, and, yes, a prescription drug benefit.

We believe these are the priorities of the American people.

Let me conclude by saying there are some on the Republican side who have argued over and over that the tax burden on the American people is the highest it has ever been.

The tax revenues are high, but the tax burden, the tax rates, on individual taxpayers are not high. That is odd. How can the revenues be high but the tax rates on individuals not be high? The reason is, we have a booming economy that produces lots of revenue. That is part of the virtuous cycle we have created by getting our fiscal house in order.

But if we look at the individual tax burden, what we find is, contrary to what our friends on the Republican side say so often and so repeatedly, the Federal tax level has fallen for most people in this country.

Let me quote from the Washington Post of March 26 of this year:

> Studies Show Burden Now Less Than 10%
>
> For all but the wealthiest Americans, the federal income tax burden has shrunk to the lowest level in four decades, according to a series of studies by liberal and conservative tax experts. . . .

What we see is that the tax burden on individual Americans has been reduced, and reduced dramatically.

The article further states:

> The Congressional Budget Office estimates the middle fifth of American families, with an average income of $39,100, paid 5.4 percent in income tax in 1999, compared with 8.3 percent in 1981. The Treasury Department estimates a four-person family, with a median income of $54,900, paid 7.46 percent of that in income tax, the lowest since 1965.

The article continues: The Conservative Tax Foundation figures that the median two-earner family, making $68,000, paid 8.8 percent in 1998, about the same as 1955.

This is a question of priorities. We ought to reject this budget and pass the alternative.

Mr. LAUTENBERG. Mr. President, I yield 10 minutes to the Senator from Washington,

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. First, I thank the Senator from New Jersey, Mr. LAUTENBERG, for his tremendous leadership on the Democratic side of the Budget Committee. I have truly enjoyed working with him and will miss him a great deal in the coming years. His leadership has been so important to all of us.

I come to the floor today to address the Republican budget proposal and to tell my colleagues that I will be a ''no'' vote because I believe it fails to reflect the priorities of families across this country. In fact, if this budget were submitted to any math class, it would get an F because, frankly, the numbers do not add up.

The reality in this budget does not meet the rhetoric. Despite all the claims, when we do the math, the things Americans care about—improving their education, reducing the debt, saving Social Security, strengthening and modernizing Medicare—have all been left behind. The things that matter to families have been sacrificed in the name of an irresponsible tax cut.

I am disappointed that this budget abandons the progress we have made since 1993. Since I first joined the Budget Committee, our Nation's financial strength has grown dramatically. Through the hard work of the President, the Vice President, and Congress, we have turned deficits into surpluses. We learned many important lessons. We learned that budgets must be realistic. They have to take into account what our Nation needs and what we are capable of providing.

This budget is neither realistic nor responsible. It does not provide the necessary investments in education and health care. It does not ensure that prescription drug coverage for Medicare beneficiaries will be considered before we enact tax cuts. Instead, this Republican budget sacrifices our priorities for a $200 billion tax cut.

I am extremely concerned that this tax cut could eat up all of the on-budget surplus. Given this Congress' track record on tax cuts, it is fair to assume that, as usual, the top 10 percent of the people will get more than 60 percent of the benefits. The President and the American people rejected that tax plan last year, and I expect they will reject it again. We can have responsible and fair tax cuts that are fiscally prudent, but you won't find them in this budget.

I am also disappointed that this conference report dropped two important priorities during the conference committee. First, an important amendment I introduced to ensure programs that help victims of domestic violence was dropped. Another amendment concerning pipeline safety was also left behind. In the Senate Budget Committee, I introduced an amendment to ensure that pipeline safety efforts are funded at levels that were called for in my bill. My amendment was unanimously passed by the Senate Budget Committee. Unfortunately, this budget makes it almost impossible to fully fund the Office of Pipeline Safety. Our budget should help us make our pipeline safer. I fear this budget moves away from our responsibility.

I will be talking later this evening about the issue of pipeline safety as well.

While those two key amendments were dropped, I am pleased that my amendment concerning women and Social Security was affirmed. After 2 years, the Republican budget conferees have finally committed that Social Security reform should not penalize women. I am pleased it is in this budget.

Overall, to make room for their tax cut, Republicans shortchanged the investments that really matter to the American people. In fact, in key areas, this budget doesn't even keep up with inflation.

I will give a few examples of how this budget leaves America's priorities behind. The decisions in this budget will be felt in classrooms across America. The budget before us would decimate the progress we have made over the last 2 years in reducing overcrowded classrooms. In the last 2 years, we have hired 29,000 new, fully qualified teachers to reduce class sizes in first, second, and third grades. Today, because of that action, 1.7 million students are learning in classrooms where the basics are taught in a disciplined environment. We should be building on our progress. This Republican budget before us today abandons our progress. This budget tells students: Sorry, you are going to have to sit in an overcrowded classroom next year because, under the Republican tax plan, you are not a priority.

It should be a priority that we pay down our national debt instead of passing that burden along to our children. This budget tells every young American: Sorry, you better start saving money now to pay off the national debt because, under the Republican tax plan, you are not a priority.

It is a priority that we strengthen and modernize Medicare. It is a priority that seniors get help buying the medicine they need because no one should have to choose between buying medicine and paying for food. This budget tells seniors: Sorry, you can't get the prescription drug coverage you need because, under the Republican tax plan, you are not a priority.

The American people want real budgets, not gimmicks. They want to know that our Nation's vital priorities are being treated as priorities. They don't want the things that matter in their lives to be squeezed out by unbalanced tax cuts that only benefit a few people.

We should be using the surplus we have today to honor our commitments to our children and to our seniors. Now is the time to address the long-term solvency of Social Security and Medicare and to provide resources to local communities to make our classrooms ready for the 21st century. Those are the things a responsible budget would do. We should pass a budget that reflects the priorities of the American people and one that is realistic. I believe the budget before us fails the American people on both counts. Therefore, I must oppose it.

I thank the Chair and yield the remainder of my time to the Democratic side.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Would the Chair inform me how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 40 minutes; the Senator from Rhode Island has 26 minutes; the Senator from New Jersey has 20 minutes.

Mr. DOMENICI. Mr. President, I don't intend to use the entire time I have. I would like to make sure I understand where they are going on the other side. If we are going to make an effort to vote earlier, I will be yielding back some of my time. I yield myself 6 minutes.

First, let me identify the occupant of the chair. The occupant of the chair is one of our new Senators, Mr. SMITH, from way over on the West Coast. I am very proud to have him in the Senate, but I am more proud that he is on the Budget Committee. There are people talking about what happens in this budget resolution, such as the distinguished Senator, Mrs. MURRAY, talking about a sense-of-the-Senate resolution as if it were binding on somebody. It is nothing more than what it says. It doesn't affect anything. To the extent we dropped some of her provisions, there were scores of sense-of-the-Senate resolutions in this budget that we did not take.

What we did keep was something for which the distinguished occupant of the chair fought hard. I am told there are so many people watching C–SPAN. Sometimes I wonder how many times they want to hear the same speech, but I believe, when it is given again on that side, I have to say a few words.

I repeat: Because of the distinguished Senator who occupies the chair, working in concert with the distinguished Senator from Maine, Ms. SNOWE, helped by Senator WYDEN from the same State as the occupant of the chair, we have a real provision we did not drop that has to do with Medicare prescription drugs and Medicare reform. I was so pleased to hear a freshman Senator, the occupant of the chair, say he wanted to support the Snowe amendment for $40 billion and that we might as well face up and get a bill. It says we can use the whole $40 billion for prescription drugs, and it is not crowded out by tax relief. It is separate and distinct; it is available.

We have said if you do some reform to preserve the well-being of the Medicare system, you can have $40 billion in new money for prescription drugs. Now, if you choose to only do prescription drugs and do nothing to Medicare, it gets $20 billion to go ahead and add some prescription drugs. Frankly, I believe the Senator occupying the chair, Senator SMITH of Oregon, was on the side of a very large majority of Senators. I think so long as we keep it bipartisan there is going to be an effort to repair the Medicare system for the senior citizens, which is going broke, and we can say we reformed it and modernized it and at the same time we have added $40 billion for prescription drugs.

No matter how many times the other side repeats it—and I don't know that I am going to answer it again today—I will tell you what I know is in the budget resolution. If I had to read the words, you would see I am paraphrasing the words quite accurately. With reference to education, we can continue to hear specifics, that we didn't provide classroom teachers. Let me repeat, the only time we are going to find out what we really do for education is when the Appropriations Committee, headed by Senator SPECTER, produces an appropriations bill, because anything we say in this budget resolution about specifics on education are only assumptions.

Many times, if not most of the time, the Appropriations Committee decides what they are going to spend on education, which programs they are going to fund, and whether it is going to be less children per classroom or more. That is not going to be decided by this resolution. What is going to be, or could be, decided is how much is available for education—not specifics but education.

I say that this conference report assumes $45.6 billion in the year 2001 for the Department of Education—a $10 billion increase, or 30-percent increase, over last year's level. Over the next 5 years, most interestingly, assumptions on education are $21.9 billion in new money, additional money, which is essentially what the President asked for.

Now, whatever they want to say in the next hour in repetition, I don't know that I will answer it again. I am trying my very best to say that these specific things Senators bring to the Senator floor and say there is a sense of the Senate on it and that would have gotten it done, I want to be kind; I don't want to say what I might say. But the fact that it is in, or not, doesn't mean very much. It is what the Appropriations Committee does with the money. Then there is going to be a bipartisan debate, for which I am grateful, on whether we should have the status quo on education programs or whether we should have reform.

Essentially, for anybody interested in what is going to determine where we spend the money and how we spend it, it may be that we are going to leave all these categorical programs—money for more teachers and less students per classroom and all the other specifics that some people think are important—it may be that we will let the schools keep doing that. We are probably going to give them an option not to do that; in a way, that is more accommodating to them, with flexibility and accountability.

That is essentially what we set up. We don't preclude that debate and its conclusions, which I understand from the majority leader will occur before this year is out. It is historical because it is coming out of committee of jurisdiction. It is not going to be done on the floor. It is headed by Senator JEFFORDS. Nobody thought there would be major reform. There is major reform, and it comes out to the floor to be debated.

I don't know that I can do more on the issue of debt reduction other than to tell the Senate that this budget resolution has over $1 trillion in debt service over the next 5 years. It is most interesting that, all of a sudden, there is a difference between reducing the debt held by the public through Social Security surpluses and reducing it with other surpluses. Let me say, dollar for dollar, it is the same debt reduction, or reduction held by the public. It doesn't matter whether it comes out of the Social Security surplus that we don't spend or whether it comes out of the surplus that is on budget. We have a different way of accounting for them.

We think there is a lot of money available during the next 5 years. In fact, we think over a freeze there is $400 billion in non-Social Security surplus. There is already a basic budget. Looking at this chart, we think it is $400 billion. Interestingly enough, that is over freezing everything. The Democrats assume what they call a freeze in real spending, that would bring the spending way up to here because they add inflation every year and call it automatic. It is not spending new money. We said let's start over. So we put $212 billion in domestic programs—domestic and defense. We put $150 billion in tax relief, which we ask today, how many more times do we have to hear that our tax proposals are for the rich? The biggest tax proposal is the marriage tax penalty. Is that what they are saying is a typical Republican effort to help the rich? I hope all the married people in America listen to that argument.

In addition, we take that surplus and we put $40 billion of it in this non-Social Security on the debt. I don't believe the argument is about debt reduction. It may be today, but the argument is: Let's spend that tax relief money. Let's spend this. That is what the argument is about. I repeat, if we don't get tax relief, all this money, $150 billion, goes to debt reduction for the debt held by the public, adding to the $1 trillion I have just told you about that is in this.

I will conclude by thanking the Budget Committee. The Republican majority produced this format. Obviously, from the newest Senator, to me as the most senior Senator on our side, we followed the lead of OLYMPIA SNOWE on Medicare and the leadership of my friend who is occupying the Chair, in getting a real Medicare proposal and that will drive a bipartisan solution. Let me repeat, in an election year, praise the Lord, if we can get a bipartisan solution to Medicare because it will be the right one if it turns out to be a partisan solution. I am afraid it

will be a political solution, and I am not sure the Medicare trust fund for our seniors is going to come out very well. So that is why I think this is a good approach.

My last observation is that the Appropriations Committee has to take all this money and decide what to do with it. Senator TED STEVENS is the chairman and that is his principal responsibility. I assure those who voted for this and who will vote for it today, it depends on how you allocate the money among priorities. But if they happen to be priorities we have been expressing today and that we expressed in this resolution, there will be plenty of funding for education, plenty of funding for the National Institutes of Health, plenty of funding for Medicare—and that is not an appropriated account—and we will have plenty of money to prepare our defense for this new 100 years we are entering where we need to make up some lost ground.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I have a lot to say and not much time in which to say it. The fundamental point is that this budget resolution represents a statement of the values of the Members of Congress, representing the 270 million citizens of the United States of America. What this budget resolution says is that we are giving a priority to tax cuts over meeting the moral, ethical, and legal obligations of the U.S. Government to its citizens by failing to make a commitment to strengthen Social Security and to strengthen the Medicare program. That is the fundamental message of this budget resolution.

This budget resolution requires the Senate Finance Committee to report two bills with tax cuts totalling $150 billion in the next 5 years. The Finance Committee can report separate legislation cutting taxes by an additional $25 billion over 5 years.

The Finance Committee can report even greater tax cuts if in July the Congressional Budget Office projects higher on-budget surpluses.

There is no similar set of mandates or permission as it relates to strengthening Social Security and strengthening and expanding Medicare. We must do these things. And we can do these things relative to tax cuts. There is no similar provision relative to our obligation to Social Security and Medicare.

We already have embarked on a serious and, I say, unfocused tax-cutting process. If you add up what we have already done in the educational savings account, the Patients' Bill of Rights, the minimum wage, small business tax cut, and what was proposed this week in terms of marriage penalty tax cuts, and suspension of the gas tax, with that hole in our transportation funding being filled by the non-Social Security surplus, we have already spent approximately two-thirds of the non-Social Security surplus we anticipate for this next fiscal year and approximately two-thirds of what we anticipate for the next 5 years with those actions alone.

I suggest that is not a prudent way to go about using the non-Social Security surplus—that we ought to do first things first. The first thing we should do is to meet the obligation this Government has to its citizens in the areas of Social Security and Medicare. Why are those two such priorities? They are priorities because the citizens of the United States every payday are paying into those trust funds for Social Security and for Medicare. They have a legal, contractual obligation from the Government to meet those benefits which they anticipate. We need to have a similar commitment to assure that those programs are going to be capable of meeting those obligations.

We also have not been faithful in this budget resolution to some commitments both Houses have made in terms of a prescription medication benefit.

Both the Senate- and the House-passed resolutions infer—and the leadership of both Houses publicly stated—that we would be reserving $40 billion over the next 5 years for purposes of a prescription medication benefit.

We received from the conference committee a commitment to spend $20 billion for additional access to prescription medication—not a specific modification of the Medicare program that would incorporate prescription medication as a benefit of Medicare. The other $20 billion would be available only if there were changes in the structure of the Medicare program which would be scored by the Congressional Budget Office as increasing the solvency of the Medicare program.

This is not the prescription medication benefit the American people expected. This is not the benefit we anticipated when we passed the budget resolution in the Senate. It is not a prescription medication benefit that will respond to the realities of modern medicine.

One of the reasons many of us believe it is so important to have a prescription medication benefit is to change the fundamental culture of the Medicare system. Medicare was adopted in 1965 as an acute-care program. If you were sick enough to go in the hospital, or if you were run over by a truck, Medicare would provide financing for your health care.

What we need to be thinking about as we start the 21st century is the approach to health care most Americans want. That is an approach that emphasizes prevention and wellness and the maintenance of quality of life. Almost every step required to do that, whether it is to moderate diabetes, to reduce the prospect of stroke and heart disease, to deal with hormonal imbalances, all of those things that are fundamental to the quality of life, particularly of older Americans, requires prescription medication as a key to this accomplishment.

Providing this prescription medication benefit is not just adding another benefit to Medicare, as has been asserted; rather, it is changing the fundamental orientation of Medicare to one that will focus on the wellness of the American people, and not just wait until they get sick enough to go in the hospital.

That is the fundamental issue that is at risk with this budget resolution which puts at the top of the pyramid of American values providing unspecified tax cuts and puts at the bottom of American values meeting our contract with the Americans who have built this great Nation through strength in Social Security and Medicare.

I urge the rejection of this budget resolution. Hopefully, we will have an opportunity to adopt one that is more in keeping with the desires of the American people.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from New Jersey.

We have an economy that is booming. We have record low levels of unemployment. We have Government coffers that are overflowing. We have a predicted $3 trillion surplus over the next 10 years.

We are still being told by this budget resolution that we can't afford in our country to provide a good education for every child; we can't afford good health care for citizens; we can't afford to do something about the poverty of 14 million children in our country.

In the words of Rabbi Hill, ''If not now, when?'' This Republican budget resolution provides a very discouraging answer to Rabbi Hill's question. This budget resolution says to Rabbi Hill, ''Not now and probably not ever.''

The tradeoff is simple. You have huge tax cuts disproportionately flowing to wealthier, high-income citizens. You have in a post-world-war era a bloated military budget. But you have a budget resolution that does not invest in the health, the skill, the intellect, and the character of our children, and you have a budget resolution that in nondefense discretionary spending calls for cuts with a booming economy.

We will see cuts in Head Start, new teachers, reducing class size, home-delivered meals to seniors, and environmental cleanup.

We will not do well in this new century, and we will not have the successful economy or the successful moral nation Senator GRAHAM talks about, if we don't provide a good education for every child. We will not do as well as we can do as a nation in this new century if we don't invest in the skills development of our children. We will not

do as well as we could and must do as a nation and national community if we don't invest in the health of our children. We, the United States of America, the good country, will not be better unless we make this investment in our children. By that standard, this budget is sorely lacking. I will vote against it.

I yield the floor.

Mr. LAUTENBERG. I yield 10 minutes to the Senator from Iowa.

Mr. HARKIN. Mr. President, 7 years ago we ended a failed economic policy of trickle down economics. It brought ballooning deficits, a quadrupling of the national debt, high interest rates, and low growth. But we made some tough decisions and tough votes. We changed the course of the new economic policies that invested in people and imposed needed fiscal discipline.

The results are in: 21 million new jobs, 4 percent unemployment rate, the lowest in 30 years, the fastest growth rate in 30 years, and the lowest crime and welfare rate in 30 years. There is the highest home ownership ever, 108 months of straight economic growth, productivity-breaking records, and inflation outside of energy is tame. Why do we want to change this? Why return to the days of risky tax schemes, the days of trickle down economics, and fiscal irresponsibility?

That is exactly what the conference report budget before the Senate does. This budget resolution before the Senate provides $175 billion to tax cuts, skewed to the wealthiest of Americans. The Congressional Budget Office, however, projects $171 billion in non-Social Security surpluses over the next 5 years. Add the higher interest we have to pay on the public debt because we did tax cuts instead of paying down the debt, and what does that add up to? This budget conference report before the Senate means we will have to tap into the Social Security surplus in order to pay for these tax cuts.

It is fiscally irresponsible. We ought to take a different course and follow the adage that when times are good, prepare for the future. That means the budget should put the highest priority on paying off the debt, securing Social Security and Medicare for the future.

I have said time and time again on this floor, if you want to save Medicare and cut down on Medicare expenses today, invest in medical research. To that end, 3 years ago, the Senate, in a unanimous vote, went on record as saying we ought to double NIH basic medical research in 5 years. Last year, we had a historic increase of $2.3 billion to keep on the track of doubling NIH research in 5 years. This next year would require $2.7 billion. Keep in mind the Senate voted unanimously to double NIH funding.

When the budget came out of committee, it was short by $1.6 billion for NIH research. Senator SPECTER, chairman of the appropriations subcommittee on health and human services that funds NIH, offered an amendment that I supported to add back the $1.6 billion to medical research. Nine Republicans joined the Democrats, and it passed 54–46.

As anyone who has even opened the newspapers lately knows, we are on the verge of many breakthroughs in biomedical research, stem cell research, and the human genome, which is being mapped and will be done shortly. Now we need to push ahead to invest in medical research, to find the causes, the cures, and the preventions for many of the illnesses that cost Medicare so much today. Yet this conference report ignores the bipartisan vote in the Senate. It completely obliterates the $1.6 billion that was added by the Specter amendment. It has been wiped out.

Let's bring it to concrete terms. What does it mean? The conference report that took out that $1.6 billion, when spread over the different research being done by NIH, means, for example, that in AIDS research, $179 million less than what we had in the Senate; cancer research is $261 million less than what we had in the Senate; prostate cancer is down $21 million; arthritis is down $24 million; Alzheimer's is $41.8 million less than what we had in the Senate.

If the conference report had kept in what we had voted for in the Senate, we would have an additional $261 million for cancer research; we would have an additional $179 million for AIDS research; we would have an additional $111 million for mental health research; we would have an additional $14 million for Parkinson's; we would have an additional $13 million for osteoporosis; we would have an additional $1.9 million for multiple sclerosis; we would have another $24 million for kidney disease; we would have another $38 million to study infant mortality; we would have another $47 million for diabetes research if this budget report has the $1.6 billion added by the Senate.

I thought the budget we passed was inadequate before; it is woefully inadequate now. For the life of me, I don't understand why the $1.6 billion was taken out of this critically needed part of meeting our obligations of the future for NIH basic research.

There is another point. The Senate resolution had increased Pell grants by $400, bringing them up to $3,700. We have needed to do that over the last 20 years. The purchasing power of Pell grants went down 25 percent. A poor student in college today can spend 25 percent less with the maximum Pell grant than 20 years ago. The education was also dropped in conference. That is deeply, deeply disappointing.

This budget needs to be sent back to the drawing board. It targets fiscally irresponsible tax breaks to the wealthiest of Americans. It shortchanges the critical investments we need: First, in medical research; and, second, in investment in education to keep our economy and our people healthy and strong.

I yield back the remainder of my time.

Mr. DASCHLE. Mr. President, in the last week, this budget has gone from bad to worse. That is the only ''progress'' we've seen. After a conference from which Democrats were excluded, our Republicans colleagues are now proposing even bigger tax cuts. Last week, Senate Republicans voted for $150 billion in tax cuts over five years, plus a ''summer surprise'' of more tax cuts. This resolution calls for $175 billion over five years, plus a ''summer surprise.''

To pay for those bigger tax cuts, this resolution calls for even deeper cuts in education, health care, other critical priorities. It still calls for 6 percent across-the-board cut in discretionary spending next year. That hasn't changed—for obvious reasons; our colleagues don't want to make things even worse just before an election.

But things do get much worse after the election—and every year for the foreseeable future—under this plan. The additional cuts all ratchet up in the ''out years.'' Instead of 8 percent across-the-board cuts by 2005, this plan calls for cuts of nearly 10 percent across-the-board by 2005.

This plan dramatically weakens—in fact, it all but eliminates—any commitment to a prescription drug benefit. Last week, this Senate passed a plan that dedicated $40 billion over five years for prescription drugs. That commitment is not included in this resolution. This resolution includes $20 billion to quote—''improve access to prescription drugs''—whatever that means. There's another $20 billion—but that's available only after we cut Medicare benefits.

As if that's not bad enough, this plan says the money for a prescription drug benefit will be available ''whenever'' the Finance Committee reports out a prescription drug bill. ''Whenever''? Why don't they just say the money will be available ''if we feel like it,'' or, the money will be available ''if there's anything left after we pass all our tax breaks''?

The Senate-passed Republican budget at least included a date. It said money for prescription drug benefit would be available by Sept. 1, 2000—whether or not the Finance Committee did its job. Now they've scratched out that date and written in ''whenever.'' You can practically see the budget writers winking! What they really mean is ''never.''

Last week, a majority of Senators voted that Congress should put prescription drugs ahead of tax cuts. Fifty-one Senators—Republicans and Democrats—said we should not spend one dollar on tax cuts until we pass a real prescription drug bill. This resolution directly contradicts that statement. It says, ''Forget what we said last week. Spend nearly $200 billion on tax cuts now. Worry about prescription drugs whenever.'' The contradiction would be laughable if it weren't so deadly serious.

Our Republican colleagues claim that, under their plan, total discretionary spending next year would be $14 billion above freeze. The operative word is ''total.'' What they don't like to say about their budget is defense spending is $21 billion above a freeze; non-defense discretionary spending is $7 billion below a freeze.

There's another thing our colleagues don't like to talk about: According to the Congressional Budget Office, the total non-Social Security surplus over the next five years will be $171 billion. The reason our colleagues don't like to talk about that is their tax cut costs $196 billion over 5 years—$25 billion more than entire non-Social Security surplus.

I am tempted to recycle that classic old Yogi Berra line—''It's deja vu all over again.''—because it seems like we've had this same debate every year for the last five years. Instead, let me use a different Yogi Berra quote: ''It ain't over 'til it's over.'' This is just the beginning of the budget process. We have many months to go.

This budget does not meet the priorities of American people. If we pass this flawed plan, America would miss a once-in-a-lifetime opportunity to sustain and expand this economic prosperity; protect Social Security and Medicare; and invest in America's future—in education, medical research, safe communities, clean water—all the things we need to remain strong and competitive.

In the five years since they regained control of Congress, Republicans have never passed a budget without a major ''train wreck.'' This budget, unfortunately, sets us up to extend that record. To quote the Republican Chairman of the House Appropriations Committee, these numbers are ''unrealistic.'' They do not add up. It's obvious. We know it, and they know it.

We hope that this year, our colleagues will admit their plan can't work—before the train wreck. If they do, Democrats are ready, willing and determined to work with them to get the budget process back on track. We want to work with Republicans to write a responsible budget. A budget that extends the solvency of Social Security and Medicare, so we can avoid a Baby Boomer retirement crisis; a budget that includes a real Medicare prescription drug plan that is voluntary, affordable and universal.

We want to work with Republicans to pass a budget that pays down our national debt—so we can stop wasting $220 billion a year—$600 million a day—on interest payments. We want to work with our colleagues to pass a budget that provides tax cuts to help working families with real needs—like child care, day care, and caring for older parents—a budget that invests education, health care and other critical priorities. We want to work with Republicans to pass a budget, in short, that allows us to seize, not squander, the once-in-a-lifetime opportunity now before us.

Mr. MCCAIN. Mr. President, I will reluctantly vote against the Conference Report on the Budget Resolution for Fiscal Year 2001. Although the budget resolution includes most of the mechanisms approved by the Senate to ensure better budgetary discipline, the resolution fails to address the pressing issues of the impending financial insolvency of Social Security and Medicare, and the massive burden of debt that will be passed along to our children and grandchildren.

Mr. President, for the first time in history, economic projections show a surplus of nearly $1.9 trillion over the next ten years, exclusive of the surplus in the Social Security Trust Funds. At the same time, we know that the Social Security system is projected to be bankrupt by 2037 and Medicare will be broke in 2023, leaving millions of elderly Americans without the promised benefits they need to live comfortably in their retirement years.

Yet, this budget resolution uses none of the surplus to shore up either Social Security or Medicare. Nor does it apply any significant portion of the surplus to reducing the burden on future generations of our $5.7 trillion national debt. In fact, debt will actually continue to accumulate because the resolution allows most of the non-Social Security surplus to be spent on more big government programs.

Mr. President, as I traveled around the country over the past several months, I listened to the American people. Everywhere I went, they told me that they wanted us to protect and preserve Social Security and Medicare. They said they wanted to pay down the debt. I proposed a plan to use the bulk of the non-Social Security surplus to do what the people told me they wanted to do, and still provide much-needed tax relief to those who need it most—lower- and middle-income families. Unfortunately, this budget spends too much and saves too little for the future, and I cannot support it.

Mr. President, there are some very good provisions in the budget resolution.

I support the increase of $4.5 billion in defense spending over the President's budget request, which represents real growth in the defense budget for the first time in many years. I am pleased that the conference includes the $25 million added to the defense budget to get 12,000 enlisted families off of food stamps and end the disgrace of the food stamp Army once and for all. For too many years, the Clinton Administration has neglected the people who volunteer for military service. With this increase, and money freed up from eliminating waste and inefficiency in the defense budget, we can make progress toward restoring the morale and readiness of our Armed Forces.

The addition of $1.9 billion to the budget request for veterans health care is the amount identified in the Independent Budget of the veterans groups as the minimum necessary to provide appropriate care for our veterans. I hope the Congress sees fit this year to restore the ''broken promise'' of free lifetime medical care that was made to our nation's oldest veterans, and I intend to work with my colleagues to ensure all of our military personnel have access to the quality, affordable health care they deserve.

Many of the specific funding assumptions in the resolution are laudable, but I disagree with funding most of these increases from the surplus. I have identified billions of dollars of pork-barrel spending in annual appropriations bills over the past several years—programs that are wasteful, inefficient, or low-priority. Because of the compelling need to deal with the problems in Social Security and Medicare, we should look within the budget to ferret out waste in order to fund higher priority requirements, rather than spend the entire surplus on more government.

Some of the objectionable provisions in this resolution are earmarks that would qualify as pork-barrel spending if they were included in an appropriations bill. For example, the resolution identifies $700 million to construct, or site and design, more than ten new courthouses in 2001. It assumes $25 million will be set aside for the construction of a Metro station on New York Avenue in the District of Columbia. And it earmarks $510 million for NOAA's Pacific coastal salmon recovery program. As I have always said, I am not making a judgment on the merits of these programs, but their mention in this resolution leads me to assume that they will show up as earmarks in the appropriations process—a process not noted for its reliance on merit over politics.

I also note the significant cut in the International Affairs budget in the resolution, which is $2.7 billion less than the President's request and $2.2 billion below last year's level. I am concerned that, as in past years, the foreign affairs budget is seen as an easy target for cuts to offset spending in other areas. Clearly, the United States is and must remain a global power with global interests, both related to our security and that of our allies, as well as our economic health. Our continued international involvement requires not just a strong military, but a robust diplomacy. I will be looking carefully at the Foreign Operations Appropriations bill to ensure that the programs that are cut to meet this budget target are appropriate and do not in any way hinder our ability to influence world affairs to our advantage.

Mr. President, I am pleased to note that the resolution includes several Senate-passed provisions to ensure Congress complies with the revenue and spending levels in the resolution to limit the amount of emergency spending and budgetary gimmicks, including:

A Social Security ''lockbox'' point of order which can be raised against any

budget resolution that dips into the Social Security Trust Funds.

A permanent 60-vote point of order in the Senate challenging any ''emergency'' in any spending or revenue bill, to ensure that emergency spending is truly used for emergencies and not simply to avoid accounting for routine spending.

A restored firewall between defense and non-defense spending for FY 2001, with any funds unused in either account to be used for debt reduction.

Two new 60-vote points of order to prevent the use of advanced appropriations and delayed obligations to circumvent spending limits.

Mr. President, there are many good provisions in the budget resolution, and I thank the Chairman and Ranking Member of the Budget Committee for taking on some very tough fights. The fact is that we simply have different opinions about budget priorities. I cannot support this resolution because it spends the surplus on more government, without guaranteeing funding for Social Security or Medicare reform or significantly reducing the debt, and I will vote against the resolution.

Mr. L. CHAFEE. Mr. President, I rise today to express my opposition to H. Con. Res. 290, the Budget Resolution for FY 2001 Conference Report that the Senate is voting on today. I feel it is important to note that despite my opposition, I have deep and abiding respect for Budget Committee Chairman DOMENICI and recognize and appreciate the hard work, expertise, and excellent leadership that he has displayed in the Senate's consideration of the federal budget.

There is much to praise in Chairman DOMENICI's budget. Increased funding for education and defense. A reserve fund of $40 billion for a prescription drug benefit. Provisions to do away with budgetary gimmicks. A Social Security Lock-Box. But, there is just too much money set aside for tax cuts, and not enough for paying down the debt.

While I support some targeted tax cuts, such as the low-income housing tax credit, and marriage penalty relief, I believe that $150 billion over five years in tax cuts is too much. Instead, I believe it makes more sense to pay down the debt. The federal debt—currently $5.7 trillion, with interest costs of over $200 billion per year, or almost 12 percent of annual federal outlays—represents a huge burden that should not be passed on to our children and to our grandchildren. Not only is this massive debt a problem, but by paying down the debt we would free up more than $200 billion per year. That money eventually could be used to ensure the solvency of Social Security and Medicare; to increase funding for education, specifically, Individuals with Disabilities Education Act (IDEA); needed infrastructure and environmental improvements; and to provide for tax relief.

Let me take a few moments to explain a number of my votes from last week during the Senate's consideration of the Budget Resolution. I voted for an amendment offered by Senator CONRAD that would have reduced the tax cuts in the Budget Resolution from $150 billion over five years to $75 billion for tax cuts and $75 billion for debt relief. I also voted for an amendment offered by Senator VOINOVICH that would have struck all tax relief from the Budget Resolution so that it may be used for debt relief. Believing that the approach taken by Senator LAUTENBERG was more fiscally responsible, I voted in favor of his amendment because it contained only $59 billion in tax cuts and provided for more debt relief. Finally, I voted against the Budget Resolution as it was reported from Committee because it contained a too high level of tax cuts and not enough debt relief.

All of us who have had to pay interest—be it on our house, car, credit card, or other payment—know that these costs are painful. We need to apply the same fiscal discipline here in Congress that we apply at home. To pay out 12 percent of our revenues annually on interest costs rather than on education, needed infrastructure construction and improvements, and to ensure the solvency of the Social Security and Medicare programs, seems to me to be a poor investment of taxpayer dollars. Therefore, in an effort to encourage fiscal discipline and responsibility, I am casting my vote against the Budget Resolution Conference Report.

Mr. JEFFORDS. Mr. President, first I must congratulate the Chairman of the Budget Committee, Senator DOMENICI, for producing an on-time budget for only the third time in the 24-plus-year history of the Budget Act.

Thrifty, cautious, and conservative. These adjectives describe the Yankee qualities of many Vermonters when someone tries to get them to open their wallets, and are in the genes of anyone who represents our great state in Congress. I am pleased that this resolution protects social security. Not one penny of the social security surplus is touched. Second, it balances the budget every year without using the social security surplus. Thirdly, this resolution retires the national debt held by the public—nearly $170 billion in the first year and $1 trillion over the next five years.

I am greatly troubled, however, about certain elements in the budget, and will vote against the fiscal year 2001 budget resolution now before the Senate.

What would a cautious farmer do when times are good—invest in new equipment to become more efficient, pay off debts, and put some away for a rainy day. There is no question that tax relief is warranted, but not at the expense of education, veterans health, job training, child care and other important discretionary programs.

A farmer cautiously guards his seed corn for future harvests. Our nation's seed corn is its youth and investments in education are needed to protect our prosperity. The conference report now before us rejects funding added on the floor of the Senate for three important education programs. It not only rejects funding that a majority of this body supported but it takes a giant step backward by reducing funding for education $3 billion below what was contained within the original Senate-passed resolution.

When I first arrived in Congress, one of the very first bills that I had the privilege of working on was the Education of All Handicapped Act of 1975. As a freshman Member of Congress, I was proud to sponsor that legislation and to be named as a member of the House and Senate conference committee along with then Vermont Senator Bob Stafford.

At that time, despite a clear Constitutional obligation to educate all children, regardless of disability, thousands of disabled students were denied access to a public education. Passage of the Education of All Handicapped Act offered financial incentives to states to fulfill this existing obligation. Recognizing that the costs associated with educating these children was more than many school districts could bear alone, the Federal government pledged to pay 40 percent of the costs of educating these students.

The budget resolution that is before us makes a mockery of this pledge. The original Senate budget resolution assumed that the Federal government would only fund between 15 and 18 percent of the cost of educating disabled students. My amendment to increase this percentage was narrowly defeated last week and was then watered down by an amendment by my colleague Senator VOINOVICH. I had hoped, nonetheless, that passage of the Voinovich amendment meant that a serious effort would be made in conference to increase funding for IDEA. This hope was clearly misplaced.

Let me also speak for a minute about early childhood education.

Research into the development and growth of the human brain clearly demonstrates that learning begins at birth. The sheer magnitude of this scientific research is difficult to fathom. When talk turns to 100 billion neurons or connections with axons and dendrites, confusion is the most likely outcome. What this research basically says is something that parents and grandparents have know for decades, very young children need a nurturing, stimulating environment in order for their brains to make the myriad of connections they need to grow into competent, caring adults.

Research on the brain has shown that the years between birth and six are critical for future success in school, at work, and in society. I believe that education provides the cornerstone from which all other things become possible. Our Nation's first educational goal is that all children should begin

school ready to learn. In order to achieve that goal, parents and caretakers need support and assistance to better ensure that they have the tools necessary to incorporate early childhood learning into the daily lives of our Nation's children. Senator STEVENS offered an amendment that was adopted by unanimous consent that provided mandatory funding for this program. This funding was rejected in conference and is not contained within this budget resolution.

Senator KENNEDY and I offered an amendment that provided for a $400 increase in the maximum Pell Grant. These funds make it possible for millions of students to attend college each year. Again, this funding was rejected in conference and is not contained within this resolution.

Prosperity also dictates that we redouble our efforts to protect society's most vulnerable. Unfortunately, this budget does not go far enough to provide drugs to seniors who need them now. I agree with Vermonters who tell me that prescription drug costs are too high, and that it doesn't make sense for Medicare to cover hospital charges, but not cover the drugs that could keep beneficiaries out of the hospital.

Let me be clear, Mr. President, I believe that we need Medicare reform that includes a broad prescription drug benefit. But even if we are not able to enact Medicare reform this year, I believe we need to provide sufficient funds now, in this budget, that will provide relief to Medicare beneficiaries that need help the most—those low-income seniors whose income is high enough that they don't qualify for Medicaid, but still do not have enough income to afford the prescription drugs that they need.

Mr. President, I am very disappointed with the prescription drug provision in this Budget Resolution. I supported the approach of Senator SNOWE's amendment in the Budget Committee that would have provided $40 billion for prescription drugs for Medicare beneficiaries even if Congress is unable to enact Medicare reform. We should not let Congress' inability to enact broad Medicare reform stand in the way of providing seniors with the medicines that they need to live longer, healthier lives.

I am further dismayed that this budget resolution does not fulfill our Nation's commitment to its veterans. Years of underfunding coupled with spiraling health care costs have left the veterans health care system struggling to provide the quality care that veterans expect and deserve. This trend must be stopped and reversed. We owe it to future generations to keep federal spending under control. But we must first recognize the prior claim of veterans who have already given of themselves and who expect to receive the medical care and benefits they were promised.

This budget, like all budgets passed by Congress, is an expression of political intent, priorities, and a starting point for bargaining. Much work remains to be done to pass the 13 appropriations bills that actually fund the government. In areas where I disagree with the budget resolution, I plan to work hard with appropriators to adjust spending levels and turn this budget into reality.

Mr. President, I yield the floor.

Mr. ASHCROFT. Mr. President, the Budget Resolution before us is a responsible budget framework. Senator DOMENICI has done a superb job in helping to craft this budget on the Senate side, and he deserves our praise. This budget resolution balances the important goals of debt reduction, tax relief, and prudent spending levels.

Most importantly, the budget will fully protect Social Security now and in the future. This represents a sea change in the way business is done in Washington. When I came to Washington, Congress routinely spent money out of the Social Security trust fund. This resolution ends the raid on Social Security, and does so in two ways.

First, the budget is based on the premise that Social Security funds will not be used to pay for additional deficit spending or tax relief. Second, as part of this budget's commitment to protect the entire Social Security surplus, Senator DOMENICI included a point of order against any budget that spends money out of the Social Security surplus. This rule is the same as the one I proposed last year, and that was included in the FY 2000 budget.

As a result of this hard-fought fiscal discipline, this budget will retire $1.1 trillion in publicly held debt over 5 years, and approximately $170 billion next year. If we continue upon the path laid out by this budget, we will completely eliminate the publicly-held debt over the next 13 years.

We have already made great progress in this regard. When this budget is enacted, we will have reduced the national debt by $533 billion over the past three years.

I was particularly pleased that the Senate unanimously accepted my amendment objecting to the President's plan to have the government invest Social Security surpluses in the stock market. This risky scheme would have put both Social Security and the stock market at risk.

In addition to responsibly paying off our publicly-held debt, this budget allows for approximately $150 billion in tax relief over 5 years, including $13 billion in FY 2001. These actions include significant marriage penalty relief, which already has passed the House, and is working its way through the Senate. In fact, during the debate on the Budget Resolution, the Senate passed the Hutchison-Ashcroft amendment calling for marriage penalty relief 99–1.

In addition to providing a judicious mix of tax relief, debt reduction, and Social Security protection, the FY 2001 Budget Resolution also includes responsible spending levels. This budget, which is a balanced budget for the third year in a row, calls for approximately $600.5 billion in discretionary spending.

This budget will fully fund Medicare, rejecting President Clinton's Medicare cuts of $14 billion over 5 years. In addition, Congress' spending plan calls for a $40 billion reserve fund to pay for Medicare reform and Medicare prescription drugs.

As I said, this budget focuses spending towards our national priorities, including a $4.5 billion increase in education spending in FY 2001, and $5.5 billion in agriculture spending in FY 2000. The FY 2001 budget also increases funding for domestic priorities such as Head Start; embassy security; the National Science Foundation; the National Institutes of Health; the Park Service; and highways and airports.

Of course, this budget isn't perfect. I was disappointed that the Senate did not adopt the effort to protect the Medicare surplus with my Medicare lockbox amendment. This amendment, which would have extended the protections that now apply to Social Security to the Medicare Part A Hospital Insurance trust, did not overcome a point of order in the Senate.

Despite this setback, I am pleased with the overall package agreed to by Congress. It meets the vital national needs of protecting Social Security, reducing debt, cutting taxes, and funding our domestic priorities. I plan to vote for the FY 2001 Budget Resolution.

Mr. WARNER. Mr. President, I rise today in support of the budget resolution conference report. This budget before us today continues the momentum we started last year to provide additional funding for defense in an effort to correct the most critical readiness, modernization, and recruiting and retention problems in our military.

I thank the Majority Leader, the distinguished chairman of the Budget Committee and his staff and the distinguished chairman of the Appropriations Committee and his staff, for working with me to provide the additional $4.0 billion in much-needed funding for the Department of Defense, the reserve for military retiree healthcare, and the important language necessary to allow the military thrift savings plan to become a reality. I also recognize members of my own committee staff—Les Brownlee, Staff Director, Judy Ansley, our Deputy Staff Director, and especially Larry Lanzillotta, our Budget Chief—whose expertise in budgeting matters is invaluable not only to the Armed Services Committee, but to the entire Senate as well.

The funds which have been added in this Budget Resolution for defense are absolutely critical in providing readiness, modernization funding, and the personnel incentives necessary to reverse the negative trends in recruiting and retention. The increase of $4.0 billion will allow us to bring defense

spending to a more appropriate level and address some of the urgent unfunded requirements of the military chiefs. For too many years, the size of our defense budget has been based on constrained funding, not on the threats facing our country or the military strategy necessary to meet those threats. This budget will go a long way in allowing us to ensure the safety and security of our people by maintaining a strong and capable military.

Making the Thrift Savings Plan available to military personnel comes at a critical time for the military services. Participation in a thrift savings account will encourage personal savings and enhance the retirement income for service members, who currently do not have access to a 401(k) savings plan. When the TSP program is implemented, military personnel will be able to join federal workers in a savings program that will enhance the value of their retirement system and permit them to improve their quality of life. The Service Chiefs have indicated that this plan, combined with the pay raise, the repeal of the Redux retirement system, and the increased bonuses in the FY 2000 Defense Authorization Act, will reduce the hemorrhage of trained and experienced military personnel we are now experiencing.

The Secretary of Defense, the Chairman of the Joint Chiefs, and the Service Chiefs have all said that fulfilling our commitment for healthcare to our military retirees should be among the highest priorities for this year. I believe there is overwhelming support in the Senate to correct many of the shortfalls in the military healthcare system for our service members, their families, and our military retirees. It is critical that we enact the important initiatives contained in the bipartisan healthcare legislation introduced by the leadership of the Senate and the leadership of the Armed Services Committee earlier this year. This budget resolution makes it possible to fund these important health care initiatives for our military retirees.

I want to again express my appreciation to the distinguished Chairman of the Appropriations Committee, Senator STEVENS, and the Chairman of the Budget Committee, Senator DOMENICI, and also their highly professional staff members for assisting us in securing these much-needed funds in support of a stronger national defense.

Mr. DOMENICI. Mr. President, once again, I am trying hard to accommodate Senators. I will not use more of our time if they want to give back. I have one Senator who has not spoken. I yield 5 minutes to Senator SNOWE.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to speak in support of the conference report on the fiscal year 2001 budget resolution and to highlight a reserve fund that Senator DOMENICI has been referring to with respect to a new prescription drug benefit.

In advance, I would like to thank the chairman of the Senate Budget Committee for his unwavering commitment to a balanced budget and fiscally responsible decisionmaking over the years. Thanks to his leadership and efforts, the turbulent waves of annual deficits and mounting debt have certainly been calmed. And if we adhere to the principles as contained in this year's budget resolution, and retain these principles in the years to come, clearly, we will have provided security for many generations.

The conference report we are now considering not only maintains fiscal discipline but it also ensures that critical priorities are protected in fiscal year 2001 and beyond, which is the purpose of the balanced budget: to be able to provide a constraint on Federal spending but at the same time determine how best to invest in the future.

I commend the chairman of the Budget Committee for having taken the step last year to protect every dollar that belongs to the Social Security trust fund and devoting it solely to reducing the publicly held debt. Ultimately, this commitment and this conference report will ensure that we reduce the publicly-held debt by approximately $1 trillion over the next 5 years and eliminate it entirely by the year 2013. Clearly, it is a paradigm shift, not only with respect to the fact we are no longer using surpluses that belong to Social Security, but also the fact that we are able to reduce the publicly held debt and make a commitment to protecting Social Security.

The second issue in this budget that is critically important is that we are making investments where we should be making investments for the future—in education, health care, child care, and defense. In addition, this budget provides modest tax relief. The American people do deserve tax relief, given the burdens they have faced over the years to achieve debt reduction, and the constraints we have had to adhere to over this last decade. Certainly they deserve to have a piece of that pie through the elimination of the marriage tax penalty, through a deduction for college tuition expenses and a credit for the interest paid on student loans. Those are the priorities that could be accommodated in this conference report that the American people deserve. I think they are the right priorities.

Third, as the chairman of the committee has indicated, we have now included and have taken a giant step forward in ensuring our Nation's seniors have a prescription drug benefit program. Senator WYDEN, Senator SMITH, and I offered an amendment in the committee that would have laid out a bifurcated approach that would provide a down-payment of $20 billion for a new benefit in the first 3 years, and $20 billion in years 2004 and 2005 contingent on Congress moving forward on Medicare reform. Of importance, the initial down-payment of $20 billion would allow us to move forward in creating a new benefit this year with or without Medicare reform—and that structure has been retained in this conference report.

We also included a date certain by which the Senate Finance Committee would be required to report a new prescription drug benefit bill. If that date was not met, we would be able to proceed with the stand-alone prescription drug benefit on the floor. That time certain was dropped.

But the fact of the matter is, the conference report retains the reserve fund language, and we still have the ability to create a stand-alone prescription drug benefit this year. As a result, the Senate Finance Committee still has $20 billion available to develop a prescription drug benefit program for our Nation's seniors that is not contingent on Medicare reform or other legislation—and an additional $20 billion will be made available if they proceed with broader Medicare reform.

Accordingly, I thank Chairman DOMENICI for his efforts in ensuring that provision would be included in the conference report. The significance of it is twofold. One is that we have $20 billion that would be immediately available for such a benefit. As a result, this reserve fund gives us the opening we need to consider and pass a prescription drug benefit program this year. Furthermore, it not only provides a downpayment for such a benefit over the next 5 years, but it also provides an additional $20 billion if we move forward reach a consensus on Medicare reform. This total allotment of $40 billion over the coming five years is more than was contained in the Chairman's mark, and even more than was provided in the President's own budget proposal for a prescription drug benefit.

There are no caveats, there are no conditions. The Senate Finance Committee has the ability to proceed with a comprehensive Medicare reform package. But in the event they cannot grapple with this issue, if they fail to reach a consensus and Congress fails to reach a consensus, we can proceed and enact a prescription drug benefit program.

So the overall structure of this fund is the same as it was when we offered it as an amendment during the markup, as it was supported unanimously by Republicans and Democrats on the Budget Committee. As a result, it provides the Finance Committee with both the means and the motivation to act on this legislation in a timely manner.

In conclusion, I again applaud the efforts of the chairman of the Budget Committee, Senator DOMENICI, for preserving the essential structure of this reserve fund which enables the Senate and the Congress to create a prescription drug benefit in a timely fashion. I congratulate him because this is a significant step forward and gives us the opportunity, for the first time in a

very long time, to enact this very significant and critical benefit for our Nation's seniors.

Thank you, Mr. President. I yield the floor.

Mr. DOMENICI. I will propound a unanimous consent request. It is cleared on the other side.

I ask unanimous consent vote on adoption of the budget conference report occur no later than 6:30 p.m. this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair and Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I conclude my remarks, regretfully noting we are leaving without passing the juvenile justice bill conference report, without adopting sensible gun control legislation, missing the opportunity, I think, to do what the American people want us to do.

I have long been a supporter of effective gun controls, working hard for the Brady bill and for the assault weapons ban while I was in the other body. But I have been galvanized to an even more concerted effort by an event that took place very recently in Providence. This, I think, is an example of the gun violence we face.

Two young men were horsing around wrestling. One got offended by the other one. Unfortunately, this happened in a neighborhood, like so many neighborhoods, where it is easier to get a gun than it is to get a library book. Someone in the crowd had a handgun. In an act of absolute recklessness, one young man fired at the other young man, critically wounding him in the head. That young man, the shooter, was so distraught that he rushed off and took his own life. That is the face of gun violence in too many places in America today.

We can do something about it. We should do something about it. We should not leave until we do something about it. Regretfully, we are leaving but we are coming back, I hope, with a renewed commitment to ensure we will, in fact, pass the provisions in the juvenile justice committee report.

I yield 5 minutes to the Senator from New Jersey, who has particularly championed the legislation to close the gun show loophole.

I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Rhode Island for the work he has done on trying to limit the damage from gun violence in this country. He reminded us it is time. We are days away from April 20, the anniversary of the terrible tragedy at Columbine. We are days away. That means in this full year that passed, we could not find time to get on with doing our best to control gun violence by examining what the possibilities are, by closing the gun show loophole, by making sure those who are going to apply for gun ownership were fit to do it.

Here is a picture of a fellow who is on the FBI Ten Most Wanted Fugitives list. He could walk up to an unlicensed dealer in a gun show and purchase all the guns the money in his pocket can buy. We ought not permit that. The American people do not want us to permit that.

Mr. President, we are closing the debate now. I congratulate my friend and colleague from New Mexico for his ardent work on getting this done. They have a majority, and the one thing we know about our democratic system is if a majority has been sent here by the American people, we have to acknowledge that, and they have the choice of a majority. I wish we had the majority, and we would be kinder and gentler, although I am not sure everybody would agree with that.

That is the die as it was cast. It was cast by a majority. In the process, I see substantial loopholes in this budget conference report. It proposes deep cuts in programs such as education and health care, law enforcement, veterans benefits, and environmental protection. Also, based on just the most simple arithmetic, it is going to raid the Social Security surplus, regarding which so many of us have taken an oath: Touch not a hair on yon gray Social Security head. Here we are, preparing to violate it, even as we present a program for the fiscal year 2001.

They did purport—and I am not talking about as a deception; I am talking about it as an analysis of the arithmetic, the mathematics as it is there—that prescription drugs were going to be taken care of.

I read from the conference committee report under the heading of prescription drugs. It says: Whenever the Committee on Finance in the Senate reports a bill, a joint resolution or conference report thereon submitted which improves access to prescription drugs for Medicare beneficiaries. It does not say we are going to develop a program that is going to make prescription drugs more available, cheaper, et cetera. It does not talk about that. It says access. Maybe it means the Government is going to produce lists of places where one can buy drugs off the Internet cheaper. Maybe access means if you visit country X, Y, or Z, you will be able to buy prescription drugs cheaper.

Access is a broad term. It does not say anything about having to get it done, but it does say in the tax section that the Finance Committee must reconcile. That means they have to produce a sufficient amount of funding for tax breaks for whomever it affects, and this is going to be principally the wealthy.

We leave the prescription drug section and go to the Medicare reform on page 48. It says: Whenever the Committee on Finance in the Senate—they are the people who can do it; we cannot do it in the Budget Committee—whenever the Finance Committee reports a bill, joint resolution, or conference report thereon submitted which improves the solvency of the Medicare program without the use of new subsidies from the general fund—to me that says we are going to dip into the Medicare trust fund in order to reform Medicare.

If that is reform, Heaven protect us, keep us from the kind of reform that says we will have to take funds from cuts in the Medicare trust fund.

Mr. President, in conclusion, this is my last attempt to work on the Federal budget. As disappointed as I am with the outcome, I am pleased to say I very comfortably and very forthrightly worked with Senator DOMENICI. He is a distinguished Senator. He knows his subjects, oh, so well. I will miss the chance for the fray, but also the chance for the pleasant contact we have had through this experience.

Mr. DOMENICI. Does the Senator from New Jersey yield back his time?

Mr. LAUTENBERG. I yield back my time.

Mr. DOMENICI. Mr. President, I am going to respond to the Senator for 1 minute, and then I will have remarks about the Senator from New Jersey and our relationship.

I say to the distinguished Senator who spoke about the National Institutes of Health and what we are going to do and not going to do, everybody should know when and by whom the NIH increased in the most dramatic manner in its history.

In the last 3 years, when Republicans controlled both Houses, we increased the National Institutes of Health—cancer, AIDS, all those diseases—let me give the numbers to my colleagues. Since 1998, NIH has increased 40 percent: In 1998, $13.7 billion; in 1999, it was $15.6 billion. That is a 14-percent increase. In 2000, it went up 13.8 percent, one of the largest domestic program increases in this whole budget. In 2001, this conference report, NIH funding is going to $19.3 billion. That is an increase of 8 percent. We are doing pretty well trying to find cures for serious ailments, thanks to the Republicans who in conference and elsewhere pushed so hard for it.

I ask that it be in order to ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, when Senator LAUTENBERG of New Jersey came to this committee, I do not know if he was like me, but I never thought I would be ranking member, much less chairman. I am not sure he had a plan to be ranking member, especially when he had to put up with me.

It has been not only a joy, in terms of getting our committee work done, but it has been healthy from the standpoint of adversaries who believe

strongly about their position but understand the other fellow can have a different opinion and it is all right, they are OK. That is how I feel about him. He has different views than I, but he brought a lot of stability to this committee. The minority ought to be very grateful for the way he handled matters. They all had a chance to contribute.

Today is his last effort on the floor of the Senate as ranking member. I thank him. I hope the whole Senate understands what he has done.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, if I may take 1 minute from the time remaining of the Senator from Rhode Island. I yielded back all my time.

I ask unanimous consent to print in the RECORD documents prepared by OMB that explain the impact as they see it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POTENTIAL IMPACT IN FY 2001 OF THE BUDGET RESOLUTION CONFERENCE REPORT

The following programmatic impact statements illustrate reductions (by function) to the FY 2001 Budget request contained in the Budget Resolution Conference Report.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Class Size. The Conference Report appears to freeze the Class Size Reduction program at the FY 2000 level and would therefore prevent the hiring of the third group of teachers meant to reduce class size in grades 1–3, to a nationwide average of 18 students per class. Twenty thousand new teachers could not be hired.

21st Century Community Learning Centers. The Conference Report could cut $547 million from the President's request, denying approximately 1.6 million school age children in over 6,000 new centers access to before- and after-school and summer programs in safe, drug-free environments.

School Construction. The Budget Resolution Conference Report could eliminate $1.3 billion in loan subsidies and grants to repair 5,000 public schools.

Small, safe, and drug-free schools. The Conference Report could prevent 400 additional high schools from developing schools-within-schools and career academies that could create smaller, safer learning environments for students. It could also severely compromise the President's proposed 40-community expansion of the popular interagency Safe Schools/Healthy Students initiative, which supports comprehensive, community-wide approaches to drug and violence prevention, and eliminate Project SERV, an initiative to provide emergency assistance to schools affected by serious violence or other traumatic incidents.

Funding for the Dislocated Worker program would be cut by about $213 million, denying training, job search assistance, and support services to approximately 118,000 dislocated workers.

Adult training services for over 45,000 of the 380,000 adults who would otherwise be served in FY 2000 would be eliminated.

Funding for the Youth Activities Formula Grant program would be cut by about $123 million, denying 73,000 low-income youth summer jobs and training opportunities.

The Community Service Employment for Older Americans program would be cut by about $57 million. About 12,000 low-income older Americans would lose their part-time jobs.

The budget resolution would cut the Job Corps program by $163 million—preventing Job Corps from opening the final two centers of the recent four center expansion and possibly resulting in the closure of 8–11 additional Job Corps Centers, denying job training opportunities to over 5,000 disadvantaged youth.

Funding for the Youth Opportunity Grants program would be cut by $45 million, denying over 10,000 youth in high-poverty communities access to education, training, and employment assistance.

A $845 million cut to the President's request would force Head Start to provide services to approximately 70,000 fewer children in FY 2001 than would otherwise be served.

The 12-percent cut to the Administration on Aging assumed in the Budget Resolution would result in 20 million fewer home-delivered meals to ill and disabled seniors than would otherwise be served.

COMMUNITY AND REGIONAL DEVELOPMENT

The final Budget Resolution reduces funding for Community and Regional Development below last year's level and is a decrease of approximately $3 billion from the President's budget. Given the competing demands within this program category, this funding level would almost certainly result in no increase in the Community Development Block Grant (CDBG) program, and would probably end up reducing CDBG funding by eight percent below the President's budget level. This would reduce local communities support of housing activities, including a loss of more than 28,000 people from benefiting from programs providing housing rehabilitation, construction, and homebuyer assistance, and 6,900 fewer jobs being created using CDBG assistance for economic development. The resolution funding level would seriously impair the ability of the New Markets initiatives to provide businesses with funding and assistance, which they would use to invest in low income neighborhoods around the country.

The Conference Report's funding level would seriously impair the ability of the New Markets initiatives to provide businesses with funding and assistance, which they would use to invest in low-income neighborhoods around the country.

FEMA Emergency Funding. Contingent emergency appropriations provide a means to make emergency disaster response funding available to handle the disaster activity that is expected to occur, based on recent experience. By stripping out contingent emergency funding from the President's budget request, the Budget Resolution makes it more difficult for the President to release appropriate funding as quickly as possible to enable Federal agencies to respond rapidly when a disaster strikes. Postponing consideration of contingent emergency appropriations until disasters strike could lead to circumstances in which disaster victims are left without shelter and communities are left without critical clean up and rebuilding assistance for days, weeks, and sometimes even months.

Super-Majority for FEMA Emergencies. Requiring a super-majority of the Senate for an emergency appropriation would make it much more difficult for the Federal Government to respond quickly and appropriately to disasters. A super-majority requirement could lead to some circumstances in which disaster victims are left without Federal disaster assistance for lengthy periods—and perhaps even some cases in which disaster victims will not receive the assistance they need.

INCOME SECURITY

The Budget Resolution explicitly states its intention to provide funding for the renewal of all expiring Section 8 housing contracts. However, the large and competing demands on Income Security activities assumed in the Budget Resolution indicate that full renewal funding cannot be achieved within the resolution's functional total. As a result, the resolution would necessitate significant cuts in housing renewals from the President's request of $13 billion. The resolution would also eliminate the Administration's efforts to assist more needy families with 120,000 new incremental housing vouchers. The deletion of new housing assistance would come at a time when a record 5.4 million low-income households in this country have worst-case housing needs—defined as spending over 50 percent of their income in rent or living in substandard housing.

INTERNATIONAL AFFAIRS

International Organizations and Peacekeeping Accounts. A 17-percent reduction to funds for the international organizations and peacekeeping accounts would prevent the United States from making its full assessed payments to the UN and other international organizations that directly promote vital U.S. interests. This would substantially increase U.S. arrears to the UN and jeopardize the negotiations for reforms that would lead to the payment of approximately $800 million in arrears. This cut would also cripple continuing and critical new peacekeeping missions seeking to redress the instability and suffering caused by conflicts in East Timor, Kosovo, and Africa.

African Development Foundation (ADF) and Inter-American Foundation (IAF). The abolition of ADF and IAF would eliminate the only U.S. Government institutions that work exclusively with local, grassroots organizations in Africa and Latin America to expand economic opportunities and develop basic democratic values and institutions.

SCIENCE AND SPACE

Reduced Support for Basic Research. A reduction of about $365 million to NSF would result in almost 14,000 fewer researchers, educators, and students receiving NSF support—affecting the high-tech workforce and well-trained students needed for the Nation's future. A reduction of this magnitude would result in over 3,000 fewer awards for state-of-the-art research and education activities.

NATURAL RESOURCES

The Budget Resolution would cut farm loan programs at the USDA, resulting in 800 fewer loans to American farmers and ranchers.

EPA's Superfund program would be cut by $69 million. This would eliminate funding for all 15 new federally-led cleanups and five ongoing federally-led cleanups in FY 2001, needlessly jeopardizing public health for citizens living near affected sites and making it more difficult to meet the 900-site cleanup goal in 2002.

The cut to EPA's Enforcement Program assumed by the Budget Resolution would significantly hamper the environmental cop on the beat, jeopardizing our ability to assure adequate protection of public health and the environment. Nearly, 1,000 fewer inspections could contribute to a higher non-compliance rate and an increase in pollution.

The reduction assumed by the Budget Resolution to the Children's Health Initiative would impair efforts to train health care workers on the environmental control of asthma; limit outreach programs to children, parents, and care-givers on avoidance of second-hand smoke and other indoor allergens; and, hinder critical research into the role that pesticides and chemicals may play

in the onset of asthma. In addition, EPA's lead program, which focuses on enforcing lead regulations and community-based programs that are aimed at reducing children's exposure to lead, would be curtailed.

The Budget Resolution reduces most Interior Department and Forest Service programs by six percent below the President's request. Such a reduction would hinder Wildland fire suppression and protection programs, delay or limit the construction and rehabilitation of needed visitor facilities, and diminish the ability to oversee coalmining operations and the ability to assist States and Tribes in cleanup of almost 9,000 acres of abandoned mine lands.

HEALTH

Funding for the Food and Drug Administration (FDA) could be cut by over $191 million. Such a reduction would result in extended product review times for new vaccines, new food additives, and complex emerging medical technology, making it difficult for the FDA to meet congressionally-mandated performance levels. This reduction would also impede FDA's efforts to ensure the safety of the Nation's food supply and would strain the agency's ability to respond to outbreaks of food borne illness.

Substance Abuse and Mental Health Services Administration funding would be reduced by $305 million, which would deny treatment to roughly 66,000 people who receive mental health and substance abuse services.

TRANSPORTATION

A reduction of four percent, or $21 million, below the President's request of $521 million for Amtrak would jeopardize Amtrak's ability to achieve self-sufficiency. The recently announced route expansions would be postponed, and the frequency and level of service on Amtrak's remaining trains reduced. This will further reduce revenues, leading to additional service reductions.

ADMINISTRATION OF JUSTICE

The Budget Resolution rejects the President's $1.335 billion request for the 21st Century Policing Initiative (COPS). It does not appear to provide any funds for the hiring of additional police officers, or for community crime prevention programs, and it is well below the President's request for law enforcement technology and gun prosecution. Without continued funding for the COPS hiring program, it will be impossible to meet the President's goal of funding up to 150,000 additional officers by 2005.

GENERAL GOVERNMENT

IRS. The Budget Resolution assumes cuts in the IRS's resources by $1.2 billion below the President's Budget—nearly $0.8 billion below the level needed to maintain current operations. The IRS would lose 12,000 workers needed to provide service to taxpayers and to ensure that the tax laws are enforced fairly. IRS modernization efforts mandated by the 1998 Restructuring and Reform Act would be halted. Instead of the improvements in performance proposed in the President's budget, audit rates—which have already fallen by half over the past decade—would drop to unacceptable levels. Taxpayers would face greater frustration, and the Treasury would lose billions of dollars in enforcement revenue. Such a dramatic cut in both compliance efforts and taxpayer service would put at risk the voluntary compliance system, which collects over $1.7 trillion in revenue each year.

Mr. LAUTENBERG. Mr. President, I thank Senator DOMENICI. I thank staff in the person of Bill Hoagland and Bruce King on my side.

I yield the floor.

Mr. REED. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—50

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Cochran	Helms	Snowe
Collins	Hutchinson	Stevens
Coverdell	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—48

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	McCain
Bingaman	Harkin	Mikulski
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Jeffords	Reid
Byrd	Johnson	Robb
Chafee, L.	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Specter
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Moynihan	Roth

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I thank the distinguished chairman of the Budget Committee, Senator DOMENICI, and the ranking member, Senator LAUTENBERG, for their work on the budget resolution, and for the way they have handled it throughout the process.

CRIME VICTIMS RIGHTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to S.J. Res. 3, regarding the rights of crime victims.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object.

Mr. President, I notice that the adjournment order has already been adopted. Respectfully, I do not believe that there is any intention of completing this matter today, tomorrow, or even next week. We have just barely filed a committee report.

This is a constitutional amendment. I think we ought, at least, to make sure Senators know that this is going to be the next matter coming up and that they have a chance to consider the report and the proposal. A constitutional amendment should not be rushed through this way, with all due respect. So I will object.

I will be happy to work with the distinguished majority leader, who has the added problems of having to make sure that the Senate does its work at the appropriate time. I will be happy to work with him on schedules and everything else on this, but because it is a constitutional amendment, I think we should treat it with more care and not just zing it off like this. We should have a real debate. I am not going to stop it from coming forward. I only want to make sure that everyone knows about it, that everyone has a chance to debate it and that everyone has the opportunity to offer amendments.

The PRESIDING OFFICER. Objection is heard.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to S.J. Res. 3 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 299, S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims:

Trent Lott, Jon Kyl, Judd Gregg, Wayne Allard, Robert Smith of New Hampshire, Richard Shelby, Gordon Smith of Oregon, Bill Frist, Mike DeWine, Ben Nighthorse Campbell, Jim Bunning, Chuck Grassley, Rod Grams, Connie Mack, Craig Thomas, and Jesse Helms.

Mr. LOTT. Mr. President, this cloture vote will occur on the motion to proceed on Tuesday, April 25.

I ask unanimous consent that the vote occur at 2:15 p.m. and that the mandatory quorum under rule XXII be waived, and I withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

N O T I C E

Incomplete record of Senate proceedings. Today's Senate proceedings will be continued in Part II of the Record.

EXTENSIONS OF REMARKS

HONORING THE MONTGOMERY COUNTY VALOR AWARD WINNERS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. MORELLA. Mr. Speaker, it gives me great pleasure today to rise and bring to the attention of my colleagues some very special public safety personnel in Montgomery County, Maryland. Every year, the Montgomery County Chamber of Commerce honors police officers and fire fighters who have shown the highest level of dedication to their noble duties. These individuals are being honored on April 14, 2000 at the 1999 Public Safety Awards Luncheon.

The Valor Awards honor public service officials who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. There are five categories: The Gold Medal of Valor; The Silver Medal of Valor; The Bronze Medal of Valor; The Honorable Mention Award; and The Bernard D. Crooke, Jr. (Police) and Leslie B. Thompson (Fire and Rescue) Community Service Award.

The Sliver Medal of Valor is awarded in recognition of acts involving great personal risk. The Silver Medal of Valor Award Winners for 1999 are: Police Officer 1 Valentine Schiller, Police Officer 1 Peter Sheng, Police Officer 3 Stephen Matthews, and Police Officer 3 Curtis Jacobs.

The Bronze Medal of Valor is awarded in recognition of acts of bravery involving unusual personal risk beyond that which should be expected while performing the usual responsibility of the member. The Bronze Medal of Valor Award Winners for 1999 are: Police Officer 3 Brian Dillman, Police Officer 3 Claude Onley, Sergeant Dom Fazio, Lieutenant Daniel Irvine, Firefighter/Paramedic 3 Sherry Hohl, Firefighter/Rescuer 3 Ernest Farkas, and Firefighter/Rescuer 3 Jody Nightengale.

The Honorable Mention Award is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity not normally involved in the performance of duties. The Honorable Mention Award Winners for 1999 are: Lieutenant Michael Garvey, Sergeant Robert Phillips, Police Officer 3 Edward Tarney, Police Officer 3 Robert Hunt, Police Officer 1 Theresa Durham, Police Officer 3 Robin M. Dyer, Firefighter/Rescuer 3 Kirk Risinger, Firefighter/Rescuer 2 Stephen Batdorff, Firefighter/Rescuer 3 Anthony Veith, firefighter/Rescuer Larry Lewis, and Firefighter/Rescuer 3 Douglas Hinkle.

The Community Service Award is awarded for dedication and initiative above and beyond the call of duty over a period of time without compensation, that has affected and benefitted the citizens of Montgomery County. The Bernard D. Crooke, Jr. Community Service Award Winner for 1999 is Police Officer 2 Charles J. Welter. The Leslie B. Thompson Community Service Award Winner for 1999 is Fire and Rescue Department Communications Manager Mary Marchone.

Due to the dedicated efforts of these public servants who place the safety and well-being of others above their own, Montgomery County is a better place to live. They have rightfully earned the highest appreciation and respect from myself, the members of the Montgomery County Chamber of Commerce, and from all the people of our community whose lives they have touched. I know my colleagues will join me in thanking these heroes for a job well done.

COMMEMORATION OF THE CENTENNIAL ANNIVERSARY OF THE UNITED STATES NAVY SUBMARINE FORCE

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. LoBIONDO. Mr. Speaker, yesterday, April 11, 2000, marked the centennial anniversary of the United States Navy Submarine Force. To commemorate this unique event, I would like to take this opportunity to congratulate the thousands of sailors who have gallantly served our nation as members of this elite group.

April 11, 1900 ushered in the birth of this outstanding American Naval Force, which has proven its undeniable worth through every major military endeavor our country has asked the Navy to address. In World War II alone, the Navy Submarine Force scored the most complete victory of any force in any theater of war by destroying 1,314 ships between 1939 and 1945. Out of 16,000 submariners, the force lost 375 officers and 3,131 enlisted men in fifty-two submarines, the lowest casualty rate of any combatant submarine service on any side in the conflict.

Now capable of firing missiles from a vertical launch system, the Navy's Los Angeles class SSNs have proven very useful in the more restricted spaces of modern littoral war at sea. Submarine launched Tomahawks have proven extraordinarily effective in a variety of combat operations starting with Desert Storm.

With a drastically reduced force, submariners still manage to conduct both independent tactical and strategic patrols, as well as renewed joint operations with carrier battle groups. Without a doubt, the United States Navy Submarine force continues to be one of the most valuable components to our nation's well-being and security.

Thank you for your tireless effort, dedication, and contribution to America's continued prosperity and happy anniversary.

IN RECOGNITION OF THE UNIVERSITY OF WASHINGTON MEDICAL SCHOOL

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. INSLEE. Mr. Speaker, today I commend the fine folks at the University of Washington Medical School for doing an exemplary job of preparing doctors and medical personnel for our future.

This year, The U.S. News and World Report rated the University of Washington Medical School as the TOP primary care medical school in our country. This Medical School has been their top choice for the past seven years. In choosing to recognize the University of Washington, The U.S. News and World Report looked at the school's excellent reputation, the quality of the research conducted by its students and faculty, and the low faculty to student ratio among other criteria. I would like to add to this that the University of Washington Medical School is also the leading teaching hospital in the five-state northwestern region of our country.

I am particularly impressed by the specific programs within the Medical School that The U.S. News and World Report recognized for excellence. The University of Washington Medical School has the best family medicine program and the best rural medicine program in our country. Its programs for women's health, AIDS, Pediatrics and Geriatrics are rated in the top five in our country. It also boasts leading nursing, physician assistant and dental programs.

To me, this means that the facility and administration at the University of Washington Medical School is producing the very best of the doctors who will care for our families, our parents and our children. I know that the students who attend the Medical School will spread out across our country bringing the wisdom and the skills that they learned at the University. Like all doctors, the graduates of the University of Washington Medical School maintain the gift of life. Unlike most, they have had the privilege of attending the best Medical School in the nation. I am proud that this institution graces the state that I represent and I commend all who have made the Medical School into what it is today.

HONORING THE 138TH ANNIVERSARY OF THE DISTRICT OF COLUMBIA EMANCIPATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Ms. NORTON. Mr. Speaker, I thank my distinguished colleague, Representative DON MANZULLO, for joining me in our annual observance of Emancipation Day, and for his

generous and continued attention to the District of Columbia.

One hundred thirty-eight years ago, President Lincoln ended slavery in the District, nine months before the Emancipation Proclamation was signed. In 1862, the existence of slavery and denial of human rights in the Nation's Capital was a contradiction in terms. Today, we use this occasion to draw attention to a continuing contradiction. District of Columbia citizens are still denied basic rights in the Capital of the free world. The District is the only jurisdiction in America whose citizens pay taxes, but are denied full representation in Congress. D.C. residents are the only Americans whose laws can be overturned by Congress, in violation of American principles of local self-government.

I am pleased to note that this year the D.C. Council has passed a bill designating April 16th as District of Columbia Emancipation Day. How much more would District residents rejoice if they had the full representation and freedom enjoyed by other Americans. How much more joyously would they celebrate if the right to vote in this House and in the Senate were their basic right.

Because of a historic court case, we believe this right is within our reach. Two lawsuits on their way to the U.S. Supreme Court, *Adams* v. *Clinton* and *Alexander* v. *Daley,* have been consolidated to challenge the denial of basic democratic rights. We are indebted to the attorneys, John Ferren, former D.C. Corporation Counsel; Charles Miller and Thomas Williamson, of Covington & Burling; Jamin Raskin, Professor of Law, American University; and George LaRoche, who handled this case before a three-judge court. And we are indebted to the 75 citizens who are the plaintiffs in these suits and who, therefore, represent all the citizens of the District of Columbia.

Judge Oberdorfer, the distinguished, dissenting jurist in the case, wrote, ''Under established constitutional principles, neither the . . . people of the District nor their posterity forfeited [their] constitutional right when the District became the seat of government.'' In the District, we have a history of recognizing April 16th as a day of celebration. We do so this year with special determination to gain and enjoy all the benefits that American citizenship provides—full representation in Congress.

I salute D.C. Reading is Fundamental for its continued efforts to promote Emancipation Day in the District. Its work inspires our children to read, to learn the history of this city, and to insist, as Americans, upon their full rights.

HONORING JO ANNE DARCY OF CALIFORNIA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. MCKEON. Mr. Speaker, today I recognize Jo Anne Darcy on the occasion of her retirement as Senior Field Deputy for Los Angeles County Supervisor Mike Antonovich, in the county's Fifth Supervisorial District.

Mrs. Darcy has served as Senior Field Deputy for Los Angeles County Supervisor Mike Antonovich, serving the unincorporated areas of the Santa Clarita Valley, ever since Supervisor Antonovich was elected in 1980. She has diligently served the citizens of the Santa Clarita Valley in a wide variety of roles, from case work to law enforcement to parks, as well as representing the Supervisor at events in the district. She has performed her job with great dedication, energy, skill and obvious love for the people of Santa Clarita Valley.

Mrs. Darcy is also the Mayor of Santa Clarita. I had the honor of serving with Mrs. Darcy on Santa Clarita's first elected City Council when the city was incorporated in 1987. She has served continuously on the City Council since then, having been re-elected to another four-year term in April 1998. She served as Mayor in 1990, 1994, 1999 and 2000.

Mrs. Darcy has been a tireless and dedicated public servant, both in her elected and appointed positions, and in the many volunteer activities in which she has been engaged. These activities are too numerous to mention fully. However, some of them include serving on the California State Film Commission, chairing the film committee of the Newhall-Saugus-Valencia Chamber of Commerce; serving as Founding Officer of the Friends of the Libraries of SCV; co-chairing and serving as Executive Director of the Western Walk of Fame and Newhall Walk of Western Stars; Founding the Zonta Club of SCV; serving as Founding Member of the SCV Historical Society; Founding Officer to the Association to Aid Victims of Domestic Violence; President of the Santa Clarita Valley American Heart Association; Chairing an annual wine auction that Benefits the SCV Senior Center's Meals on Wheels Program.

Mrs. Darcy has been named the Woman of the Year by the SCV Chamber of Commerce; the Outstanding Woman from the Soroptomists, the Citizen of the Year from the Santa Clarita Elks Lodge, and many, many other honors from community groups.

Mr. Speaker, I look forward to continuing to work with Mrs. Darcy in her role as Mayor and City Council member of Santa Clarita. I wish her all the best in her retirement from Supervisor Antonovich's office.

CONGRATULATING UND'S FIGHTING SIOUX

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. POMEROY. Mr. Speaker, I want to commend the University of North Dakota's Fighting Sioux hockey team for their exciting win Saturday night over Boston College to clinch the NCAA Division I National Championship for Hockey. Congratulations to UND President Charles Kupchella and UND Hockey Coach Dean Blais and, of course, to the entire Fighting Sioux team.

This is the seventh time that the University of North Dakota hockey team has won the NCAA Division I hockey championship. The last time the team won the title was in 1997.

This team out of Grand Forks, North Dakota exemplifies the very best features of our great state. They work hard, support each other, rally behind one another, and, through teamwork, they get the job done. These players are true champions on the ice, and, like all true champions, they share the glory.

The efforts of these young men are reflected not only in their collective win, but in the honors that some of the individual earned this year. Lee Goren, otherwise known as ''Scorin' Goren,'' earned the tournament's Most Outstanding Player award and led the league in scoring while goalie Karl Goehring, had eight shut-outs during the season. Their accomplishments reflect well on the team, their coach and the spirit at UND.

Just, as they are examples of the best of UND athletics, these athletes are also stellar performers in the classroom. Combined, the team has a cumulative grade point average of 3.12; stand-out goalie Karl Goehring has a 4.0 gpa. To me, one of the most exciting statistics about the team this year is that twelve members of the team were named to the WCHA All-American Academic Team.

North Dakota has much to be proud of at the University of North Dakota. UND's John D. Odegard School of Aerospace Sciences is one of, if not THE, best non-military aviation program in the world. UND's Energy and Environmental Research Center has clients all over the world and UND's School of Medicine and Health Sciences is a national leader in educating doctors for rural medicine and family practice, and has educated about 20 percent of the Native American doctors currently practicing in the United States.

There is no shortage of outstanding programs at the University of North Dakota, but this week, the work of the UND hockey team justifiably takes center ice. They are true champions, and North Dakotans—especially UND alumni such as myself—are proud of their accomplishments.

These men are role models both on and off of the ice. They are skilled athletically, academically and are known for their good sportsmanship.

I want to commend them for their achievement today. These young men represent North Dakota well. I wish them continued success in all of their future endeavors.

TAXPAYER BILL OF RIGHTS 2000

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SANDLIN. Mr. Speaker, I rise in strong support of the Taxpayer Bill of Rights 2000. This legislation offers strong protections of taxpayers, including much-needed safeguards on personal information. This bill recognizes the importance of protecting taxpayers' privacy and would help prevent the illegal disclosure of personal information.

The Taxpayer Bill of Rights, however, fulfills only a small part of our obligation to protect individual privacy. Last year, I voted for legislation, the Gramm-Leach-Bliley Financial Services Modernization bill, that contained new federal protections of consumers' financial privacy. This legislation, which passed Congress and was signed into law by the President, allows consumers to protect their privacy by choosing to opt-out of information sharing by their financial institutions.

The protections included in the Gramm-Leach-Bliley Act are an important beginning

and represent a minimum federal standard. Most importantly, the new law affords states the opportunity to pass even tougher restrictions on information sharing, thus giving them the chance to enact their own consumer privacy protections above and beyond the federal minimum.

Allowing consumers the right to opt-out is a step in the right direction, although we still have many challenges ahead of us with regard to adequately protecting medical information and safeguarding Internet privacy. I urge my colleagues to join me in this important effort and continue to work hard to protect the privacy rights of every American.

TRIBUTE TO DR. HENRY J. HEIMLICH

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. PORTMAN. Mr. Speaker, today I pay tribute to Dr. Henry J. Heimlich, a community hero, an internationally recognized leader in health care, and a dear friend who will be honored on April 20 by the Rotary Club of Cincinnati. This recognition will come during National Heimlich Maneuver Week. He was selected for these honors because of his outstanding contributions to the medical community that have literally saved thousands of lives.

In fact, Dr. Heimlich has been credited with saving more lives than any other living person. Dr. Heimlich's most notable accomplishment, of course, is the Heimlich Maneuver, which he created in 1974. Since its creation, the Heimlich Maneuver has been used to save the lives of countless people from choking deaths, to prevent and halt asthma attacks, and to clear near-drowning victims' water-filled lungs more safely.

Perhaps lesser known is the Heimlich Operation, which is considered the first successful organ transplant in history. This operation enables patients with an esophagus birth defect, who previously only could be fed through a tube inserted into their stomachs, to eat normally.

Dr. Heimlich also invented the Heimlich Micro Trach, a tiny tube that is inserted into the trachea to deliver oxygen from a small tank directly to the lungs, enabling oxygen-dependent patients to become mobile and return to work and social activities.

Dr. Heimlich's Chest Drain Valve is credited with saving the lives of thousands of American soldiers during the Vietnam War. It is used in emergency treatment of people with chest wounds to clear air and fluids from the chest cavity. Up to a quarter million of these valves are used worldwide every year in civilian and military medicine.

Although he has already achieved much, Dr. Heimlich is still working to save lives. He continues development of malariotherapy, which, through a curable form of malaria, increases the body's immune responses to fight viruses and cancer by increasing production of such biochemicals as interferon, interleukin-1 and tumor necrosis factor. Dr. Heimlich believes that malariotherapy can be used, with more research, to fight cancer, AIDS, and Lyme disease.

At the age of 80, Dr. Heimlich continues his important work at the Heimlich Institute where new ways to improve and save lives are being researched. All of us in Cincinnati are grateful to him for his full devotion, service, and most impressive contributions to our community and the world.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes:

Mr. YOUNG of Alaska. Mr. Chairman, I submit the following into the RECORD in support of H.R. 3671.

ARCHERY MANUFACTURERS AND MERCHANTS ORGANIZATION,
Gainesville, FL, March 13, 2000.

Hon. DON YOUNG,
House of Representatives, Washington, DC.

DEAR DON: We heartily support H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000. We feel this measure will tighten-up the administration of these programs and we are particularly supportive of Sec. 102, Firearm and Bow Hunter Education and Safety Program Grants of H.R. 3671. This will go a long way toward fulfilling the commitment made to our sport and industry when we agreed to be taxed under Pittman-Robertson some 30 years ago.

We also are greatly appreciative of having had the opportunity to participate in discussions with staff leading up to the writing of H.R. 3671. There was a refreshing openness in this entire process.

Sincerely,

DICK LATTIMER,
President/CEO.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION,
Fairfax, VA, March 13, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: The NRA wholeheartedly supports your bill, H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act. We speak on behalf of every one of our 3.2 million members who pay into the Pittman Robertson trust fund whether they own firearms for self-defense, recreational shooting, collecting or hunting.

Sportsmen and other firearm owners put their faith and trust in the Federal Government when they elected to be taxed to help fledgling state fish and wildlife agencies of the 1930's begin to launch what we take for granted today as scientific wildlife management. For over six decades, sportsmen have trusted the U.S. Fish and Wildlife Service to manage their excise tax dollars for the benefit of state wildlife restoration programs. However, alarmed over several programs created with the use of administrative dollars, but without legal authority, the NRA went on record in a statement submitted for your 1996 oversight hearing on the ''Teaming with Wildlife'' concept urging the Congress to examine how the Service was spending trust fund administrative dollars. Never did we imagine the extent of waste, abuse and mismanagement that was uncovered through your Committee's investigative efforts.

The NRA strongly believes that meaningful, long-lasting reform can only be assured through legislative reform as embraced by your legislation, H.R. 3671. What the Service can implement administratively to strengthen internal controls and management for Pittman-Robertson trust fund and its counterpart, the Dingell-Johnson trust fund, should be encouraged. But those efforts alone cannot restore the trust of our members. Reform must be anchored in corrective measures made as amendments to the underlying laws.

The NRA appreciates the opportunity that you accorded us to participate in discussions regarding the shape the reform language should take. Your bill reflects a very deliberative process in assimilating a diverse array of recommendations and views. There are two provisions of H.R. 3671 I would like to comment on that are of particular importance to our membership. First, the bill ensures that none of the administrative funds will ever be used by any organization that promotes or encourages opposition to hunting, fishing or trapping or for any project that promotes such opposition. This is language critical to a reform bill.

Second, on behalf of all our members that rely on shooting ranges for firearm and hunter safety courses and recreational and competitive shooting, we appreciate having language in the bill that earmarks funds for shooting and archery range purposes. These funds will supplement the discretionary funds made available to states from one-half of the excise tax revenue collected on the sale of handguns and archery equipment. For years our recreational shooters have expressed concern that states have not lived up to the bargain struck with them in support of the extension of the excise tax in the 1970's. We trust that the states will look to these funds as additional support to assist them in meeting the needs of the excise tax paying shooters, hunters and archers and will not attempt to use these funds as an offset to the discretionary funds.

We thank you for your leadership in overseeing the examination of Service's management of the trust funds and your commitment provide an avenue to restore health and vitality to the programs. These trust funds are unprecedented in the world and while the conservation dollars can be counted in the billions, the conservation benefits are inestimable. It is important for all of us who cherish our fish and wildlife resources to see that the sportsmen and women of this country are given a sound reason to be taxed for the benefit of the conservation, restoration, and enhancement of those same resources.

Sincerely,

JAMES JAY BAKER,
Executive Director.

NATIONAL TRAPPERS ASSOCIATION, INC.,
New Martinsville, WV, March 13, 2000.

Congressman DON YOUNG.

DEAR CONGRESSMAN YOUNG: This communication is to indicate the support of the National Trappers Association for H.R. 3671.

NTA has worked hard to assure corrective actions are taken to be sure the PR–DJ Funds from excise taxes are used for wildlife and conservation efforts as originally intended.

Thank you so much for doing the right thing for sportsmen in America, the true conservationists who put their money where their mouth is.

Sincerely,

SCOTT HARTMAN,
Director, National & International Affairs.

NATIONAL WILDERNESS INSTITUTE,
Washington, DC, April 5, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for introducing The Wildlife and Sport Restoration and Improvement Act of 2000. This bill will help stop the mismanagement by the current leadership of the Fish and Wildlife Service of the Dingell-Johnson Act, the Pittman-Robertson Act and other programs administered by the Division of Federal Aid. These laws are based on the remarkably straightforward idea of using an excise tax on guns, ammunition and fishing gear to provide a secure funding base for state fish and game departments. Most state fish and wildlife agencies get their budgets almost entirely from the sale of hunting and fishing licenses and P–R and D–J funds.

In much of the world, sport hunting and fishing are the privilege of noblemen but America is different, and sportsmen here are determined to preserve our country's outdoor heritage and maintain hunting and fishing opportunities for everyone. That is why sportsmen started these programs which have been largely responsible for the development of scientific wildlife management. Of course, the sound wildlife conservation efforts underwritten by sportsmen also benefit non-game species. When sportsmen create habitat for quail, ducks or trout, they also provide habitat for woodpeckers, eagles and all other species.

Sportsmen pay for conservation and the rest of us have pretty much gotten a free ride. That is why it was so wrong for the current leaders of the Fish and Wildlife Service to loot this uniquely effective program to create slush funds and use it as a cash cow to cover foreign travel and unrelated administrative expenses. Their attempt to divert these funds to anti-hunting groups is an even worse affront. The mismanagement of these funds is cause for concern about any new funding mechanism that do not require annual appropriations. We greatly appreciate your leadership in upholding our sportsmen-conservationist heritage and taking steps to clean up the problems at the Fish and Wildlife Service.

Sincerely,

ROB GORDON,
Executive Director.

SAFARI CLUB INTERNATIONAL,
Herndon, VA, March 10, 2000.

Representative DON YOUNG,
Chairman, House Resources Committee, Rayburn HOB, Washington, DC.

RE: H.R. 3671, the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Act

DEAR CHAIRMAN YOUNG: Safari Club International (SCI) considers H.R. 3671, the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Act, to be of utmost importance for the future of sportsmen and wildlife in the 106th Congress.

This is a bipartisan reform legislative effort. The bill has been introduced with a diverse and respected group of co-sponsors, including yourself, Representative John Dingell (D–MI), Representative Tom DeLay (R–TX), Representative Owen Pickett (D–VA), Representative Richard Pombo (R–CA), Representative Chris John (D–LA), Representative John Peterson (R–PA), and others. The Congressional Sportsmen's Caucus supports the legislation because of the positive impact it will have on wildlife, habitat and sportsmen far into the future.

H.R. 3671 will bring integrity and respect back into the system. As you know, the original intent of the Pittman-Robertson (P–R) excise tax was that it be used solely for the purpose of wildlife restoration in the 50 states. GAO investigations into the misuse of P–R funds revealed that ''P–R funds were being administered like a big shell game.'' H.R. 3671 eliminates any ambiguity in the current statute by explicitly delineating proper purposes for the fund. In addition to setting clear guidelines for federal administrators it will also emphasize to state wildlife administrators the intent of the law when spending sportsmen's dollars. H.R. 3671 will ensure accountability when spending money that comes from sportsmen.

In many cases the past distribution and spending of Pittman-Robertson funds did not follow the intent of the 1937 law. The areas badly neglected were hunter education, firearms safety, archery ranges, archery training and firearms ranges. Groups like SCI, AMO, NSSF, and NRA had to privately fund hunter education. Seven thousand volunteers had to step in and assume responsibility because this intended use of P–R money was not fulfilled as it should have been.

For example, in 1970, archers were promised that if they came into the excise tax program, that 50% of the money raised would be used for ranges and instruction. Since 1975, $282,189,160.00 have been raised. Very little of the promised $141 million has been used for ranges or instruction. Most of it was diverted to other uses. A very important part of the legislation is a restatement of the original intent.

The final, and perhaps the most important part of the legislation is a provision that encourages NGO's to participate in a matching grant program for hunter education, shooting safety, and recruitment of young people into an appreciation of the outdoors. This section involves those who pay the tax by allowing them to have a voice in how their money is spent.

For over 60 years, Pittman-Robertson funds have provided an abundance of wildlife and habitat that is enjoyed by sportsmen and the general public. Thank you for your support of H.R. 3671, which insures that this work can continue far into the future.

Sincerely,

LAWRENCE S. KATZ,
President.

ALFRED S. DONAU, III,
Government Affairs Chairman.

HON. RON MARLENEE,
Consultant.

TEXAS WILDLIFE ASSOCIATION,
San Antonio, TX, March 31, 2000.

Hon. DON YOUNG,
Chair, House of Representatives, Committee on Resources, RHOB, Washington, DC.

DEAR CHAIRMAN YOUNG: One of the great honors of my life has been testifying before you and your committee describing the problems that resulted in your filing H.R. 3671. Passing without dissent out of your committee speaks volumes about bringing justice to the folks who have been paying for conservation since 1937, and before. Who are they? Hunters and anglers have paid for conservation . . . period.

Not only has the U.S. Fish and Wildlife Service forgotten this fact, they have also ignored the central mission of government: government should enable rather than require, let alone try to do itself. Your H.R. 3671 reminds the USFWS that their first duty is to empower the states to foster effort from their citizens.

The thousands of members of the Texas Wildlife Association, who hunt and fish and lovingly conserve many, many millions of acres of private wildlife habitat, urge all members of Congress to vote for H.R. 3671.

Very respectfully submitted,

DAVID K. LANGFORD,
Executive Vice President.

TRANS TEXAS HERITAGE ASSOCIATION,
Alpine, TX, March 31, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: The Trans Texas Heritage Association and regional associations, Davis Mountains Trans-Pecos and Hill Country Heritage Associations, represent members who own more than 15.5 million acres of private land in Texas. It is on behalf of these members that we thank you for introducing The Wildlife and Sport Fish Restoration and Improvement Act of 2000.

The Heritage Association members are land stewards, sportsmen, and conservationists. We are outraged by the U.S. Fish and Wildlife Service's (USFWS) mishandling of funds from the Pittman-Robertson, Dingell-Johnson Act and other programs which were specifically set aside to fund state fish and game departments. Even more reprehensible is the USFWS's attempt to divert these funds to anti-hunting groups. We are thankful that The Wildlfie and Sport Fish Restoration and Improvement Act of 2000 will help to stop these and other abuses.

Chairman Young, we sincerely appreciate your commitment and efforts that will benefit the preservation and conservation of our nation's sportsmen's and outdoor heritage.

Very truly yours,

C.M. VAN EMAN,
President.

THE MULE DEER FOUNDATION,
Reno, NV, April 5, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: Your leadership for The Wildlife and Sport Fish Restoration and Improvement Act of 2000 is to be commended. The Mule Deer Foundation (MDF) anticipates this bill, when enacted, will assist the US Fish and Wildlife Service to better manage Federal Aid funds. MDF is especially supportive of good management of the funds from the Pittman-Robertson Act and the Dingell-Johnson Act. These Acts are central to the conservation funding in this country and are, frankly, an unprecedented model for sustainable conservation worldwide. Hunters and fishermen in our country historically have been the first to step to the plate to support conservation and these Acts provide a critical source of funding for conservation to stated conservation agencies. With the disparate pressures that come from varied interests, it is of critical importance that we continue to safeguard and improve the management of these funds.

The Mule Deer Foundation recognizes that this bill passed out of the House Resources Committee with an amazing 36–0 vote. MDF

would like to voice its support for this bill and congratulations to the Committee for its bi-partisan approach to improving management of Federal Aid Funds.

The Mule Deer Foundation is a 501(c)(3) not for profit, charitable organization whose Mission is to ensure the conservation of mule and blacktailed deer and their habitats.

Chairman Young, on behalf of The Mule Deer Foundation, let me thank you and your Committee on this effort in behalf of American's conservation programs.

Very truly yours,

WILLIAM I. MORRILL,
President, and CEO.

GULF LUMBER COMPANY, INC.,
Mobile, AL, April 5, 2000.

Hon. DON YOUNG, *Chairman*, House Resources Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Since the founding of the Mobile County Wildlife Association and the Alabama Wildlife Federation in the mid 1930's, my family has been involved in the innumerable conservation and wildlife organizations. We have spent untold dollars and man-hours furthering the conservation of wildlife and wildlife habitat.

I tell you this to say thank you for introducing The Wildlife and Sport Fish Restoration and Improvement Act of 2000. This bill will help stop the mismanagement by the current leadership of the Fish and Wildlife Service of the Dingell-Johnson Act, the Pittman-Robertson Act and other programs administered by the Division of Federal Aid.

It is wrong for the current leaders of the Fish and Wildlife Service to loot this uniquely effective program to create slush funds and use it as a cash cow to cover foreign travel and unrelated administrative expenses. Their attempt to divert these funds to anti-hunting groups is an even worse affront.

We greatly appreciate your leadership in upholding our sportsmen-conservationist heritage and taking steps to clean up the problems at the Fish and Wildlife Service.

Sincerely,

W.S. (SANDY) STIMPSON,
Sr. Vice President.

Daily Digest

HIGHLIGHTS

Senate agreed to the Congressional Budget Conference Report.

The House agreed to the conference report on H. Con. Res. 290, Congressional Budget Resolution for Fiscal Year 2001.

The House passed H.R. 4199, Date Certain Tax Code Replacement Act.

The House passed H.R. 3615, Rural Local Broadcast Signal Act.

The House passed H.R. 3439, Radio Broadcasting Preservation Act.

Senate

Chamber Action

Routine Proceedings, pages S2647–S2697

Measures Introduced: Thirty-nine bills and eight resolutions were introduced, as follows: S. 2416–2454, S.J. Res. 45, S. Res. 291–293, and S. Con. Res. 104–107. **(See next issue.)**

Measures Reported: Reports were made as follows:

S. 1778, to provide for equal exchanges of land around the Cascade Reservoir, with an amendment in the nature of a substitute. (S. Rept. No. 106–271)

S. 1946, to amend the National Environmental Education Act to redesignate that Act as the ''John H. Chafee Environmental Education Act'', to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, with amendments. (S. Rept. No. 106–272)

S. 311, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, with amendments. (S. Rept. No. 106–273)

S. 1452, to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes, with an amendment in the nature of a substitute. (S. Rept. No. 106–274)

H.R. 2412, to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the ''E. Ross Adair Federal Building and United States Courthouse''.

S. Res. 287, expressing the sense of the Senate regarding U.S. policy toward Libya.

S. Res. 289, expressing the sense of the Senate regarding the human rights situation in Cuba.

S. 2058, to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals.

S. 2366, to amend the Public Health Service Act to revise and extend provisions relating to the Organ Procurement Transplantation Network, with an amendment in the nature of a substitute.

S. 2367, to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act.

S. 2370, to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse''.

S. Con. Res. 81, expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire, and with an amended preamble. **(See next issue.)**

Measures Passed:

Adjournment Resolution: By 55 yeas to 43 nays (Vote No. 84), Senate agreed to H. Con. Res. 303, providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate. **Page S2674**

National Materials Corridor Partnership Act: Senate passed S. 397, to authorize the Secretary of

Energy to establish a multiagency program to alleviate the problems caused by rapid economic development along the United States-Mexico border, particularly those associated with public health and environmental security, to support the Materials Corridor Partnership Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Spanish Peaks Wilderness Act: Senate passed S. 503, designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness'', after agreeing to a committee amendment. **(See next issue.)**

Hawaii Water Resources Reclamation Act: Senate passed S. 1694, to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, after agreeing to a committee amendment. **(See next issue.)**

Pacific Northwest Electric Power Planning and Conservation Act: Senate passed S. 1167, to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel, after agreeing to a committee amendment. **(See next issue.)**

Education Land Grant Act: Senate passed H.R. 150, to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

National Historic Preservation Fund: Senate passed H.R. 834, to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Elko County, Nevada Cemetery: Senate passed H.R. 1231, to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, clearing the measure for the President. **(See next issue.)**

Irrigation Litigation and Restoration Partnership Act: Senate passed H.R. 1444, to authorize the Secretary of the Interior to establish a program to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Bikini Resettlement and Relocation Act: Senate passed H.R. 2368, to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands, clearing the measure for the President. **(See next issue.)**

Utah Land Exchange: Senate passed H.R. 2862, to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange, clearing the measure for the President. **(See next issue.)**

Utah Land Acquisition: Senate passed H.R. 2863, to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah, clearing the measure for the President. **(See next issue.)**

Nevada Land Conveyance: Senate passed S. 408, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center. **(See next issue.)**

Surface and Mineral Estates Patent: Senate passed S. 1218, to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Oregon Land Exchange: Senate passed S. 1629, to provide for the exchange of certain land in the State of Oregon, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Alaska Land Restoration: Senate passed H.R. 3090, to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, clearing the measure for the President. **(See next issue.)**

Alaska Land Conveyance: Senate passed S. 1797, to provide for a land conveyance to the City of Craig, Alaska, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Valles Caldera Preservation Act: Senate passed S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Castle Rock Ranch Acquisition Act: Senate passed S. 1705, to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho. **(See next issue.)**

Palace of the Governors Expansion Act: Senate passed S. 1727, to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest, after agreeing to committee amendments, and the following amendment proposed thereto: **(See next issue.)**

Sessions (for Domenici) Amendment No. 3099, in the nature of a substitute. **(See next issue.)**

Alabama Hydroelectric Project: Senate passed S. 1836, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama. **(See next issue.)**

White Clay Creek Wild and Scenic Rivers System Act: Senate passed S. 1849, to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Women's Rights National Historical Park: Senate passed S. 1910, to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York, after agreeing to committee amendments. **(See next issue.)**

Lamprey Wild and Scenic River Extension Act: Senate passed H.R. 1615, to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment, clearing the measure for the President. **(See next issue.)**

Federal Leases for Sodium: Senate passed H.R. 3063, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, clearing the measure for the President. **(See next issue.)**

Land Exchange: Senate passed S. 1778, to provide for equal exchanges of land around the Cascade Reservoir, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

NRC Fairness in Funding Act: Senate passed S. 1627, to extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, after agreeing to a committee amendment in the nature of a substitute, and the following amendments proposed thereto: **(See next issue.)**

Sessions (for Smith of N.H.) Amendment No. 3100, to amend the provision extending the authority of the Nuclear Regulatory Commission to collect annual charges and modifying the formula for the charges. **(See next issue.)**

Sessions (for Smith of N.H.) Amendment No. 3101, to amend the Atomic Energy Act of 1954 to provide the Nuclear Regulatory Commission authority over former licensees for funding of decommissionings. **(See next issue.)**

Korean War 50th Anniversary: Senate passed H.J. Res. 86, recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, clearing the measure for the President. **(See next issue.)**

Library of Congress Commendation: Senate agreed to H. Con. Res. 269, commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities. **(See next issue.)**

Congressional Budget Resolution Conference Report: By 50 yeas to 48 nays (Vote No. 85), Senate agreed to the conference report on H. Con. Res. 290, establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005. **Pages S2674–96**

Marriage Tax Penalty Relief Act: Senate continued consideration of H.R. 6, to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, taking action on the following amendment proposed thereto:

Pages S2673–74, (continued next issue)

Pending:

Lott (for Roth) Amendment No. 3090, in the nature of a substitute. **Page S2673**

During consideration of this measure today, Senate also took the following action:

By 53 yeas to 45 nays (Vote No. 82), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to close further debate on Amendment No. 3090 (listed above). **Page S2673**

By 53 yeas to 45 nays (Vote No. 83), three-fifths of those Senators duly chosen and sworn, not having

voted in the affirmative, Senate failed to agree to close further debate on the bill. **Page S2674**

A motion was entered to close further debate on H.R. 6 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, April 25, 2000. **(See next issue.)**

Victims Rights: Senate began consideration of the motion to proceed to consideration of S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims. **Page S2696**

A motion was entered to close further debate on the motion to proceed to S.J. Res. 3 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, April 25, 2000. **Page S2696**

Subsequently, the motion to proceed was withdrawn. **Page S2696**

Methane Hydrate Research and Development Act: Senate concurred in the amendment of the House to the Senate amendment to H.R. 1753, to provide the research, identification, assessment, exploration, and development of methane hydrate resources, clearing the measure for the President. **(See next issue.)**

Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act: Senate concurred in the amendments of the House to S. 1769, to continue reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, clearing the measure for the President. **(See next issue.)**

C.B. King U.S. Courthouse: Senate concurred in the amendments of the House to S. 1567, to designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the "C.B. King United States Courthouse", clearing the measure for the President. **(See next issue.)**

Authority for Committees: All committees were authorized to file legislative reports during the adjournment of the Senate on Thursday, April 20, 2000, from 11 a.m. until 1 p.m. **(See next issue.)**

Appointments:

Ticket to Work and Work Incentives Advisory Panel: The Chair, on behalf of the Majority Leader, after consultation with the Chairman of the Senate Committee on Finance, pursuant to Public Law 106–170, announced the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Larry D. Henderson, of Delaware, for a term of two years, and Stephanie Smith Lee, of Virginia, for a term of four years. **(See next issue.)**

Ticket to Work and Work Incentives Advisory Panel: The Chair, on behalf of the Democratic Leader, after consultation with the Ranking Member of the Senate Committee on Finance, pursuant to Public Law 106–170, announced the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Dr. Richard V. Burkhauser, of New York, for a term of two years, and Ms. Christine M. Griffin, of Massachusetts, for a term of four years. **(See next issue.)**

Nominations Received: Senate received the following nominations:

Phil Boyer, of Maryland, to be a Member of the Federal Aviation Management Advisory Council for a term of two years. (New Position)

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Energy Research.

James Donald Walsh, of California, to be Ambassador to Argentina.

James L. Whigham, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years vice Joseph George DiLeonardi, resigned.

1 Marine Corps nomination in the rank of general. **(See next issue.)**

Messages From the House: **(See next issue.)**

Measures Placed on Calendar: **(See next issue.)**

Communications: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Statements on Introduced Bills: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Notices of Hearings: **(See next issue.)**

Authority for Committees: **(See next issue.)**

Additional Statements: **(See next issue.)**

Record Votes: Four record votes were taken today. (Total—85) **Pages S2673–74, S2696**

Adjournment: Senate convened at 10:32 a.m., and according to the provisions of H. Con. Res. 303, adjourned at 8:19 p.m., until 9:30 a.m., on Tuesday, April 25, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—FOREIGN OPERATIONS

Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings on proposed budget estimates for fiscal year 2001 for Foreign Operations, after receiving testimony from Madeleine K. Albright, Secretary of State.

NATIONAL READING PANEL

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine the National Reading Panel report, focusing on scientific research-based reading instruction and its readiness for application in the classroom, after receiving testimony from Duane F. Alexander, Director, National Institute of Child Health and Human Services, Department of Health and Human Services; Kent McGuire, Assistant Secretary of Education for Educational Research and Improvement; and Donald N. Langenberg, University System of Maryland, Adelphi, on behalf of the National Reading Panel.

IRS REFORM

Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings to examine certain Internal Revenue Service reform issues, focusing on paperless filing and the return-free tax filing system as it relates to the Internal Revenue Service's mandate under the IRS Restructuring and Reform Act of 1998, after receiving testimony from Charles O. Rossotti, Commissioner, Internal Revenue Service, and Leonard E. Burman, Deputy Assistant Secretary of Treasury, both of the Department of the Treasury.

APPROPRIATIONS—NASA

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration, after receiving testimony from Daniel S. Goldin, Administrator, NASA.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Bernard Daniel Rostker, of Virginia, to be Under Secretary of Defense for Personnel and Readiness, Gregory Robert Dahlberg, of Virginia, to be Under Secretary of the Army, and Madelyn R. Creedon, of Indiana, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, Department of Energy.

DOD ANTHRAX VACCINE

Committee on Armed Services: Committee held hearings to examine issues relating to the implementation of the Department of Defense anthrax vaccine immunization program, receiving testimony from Rear Adm. Lowell E. Jacoby, USN, Director of Intelligence, Office of the Joint Chiefs of Staff; Rudy de Leon, Deputy Secretary, David R. Oliver, Principal Deputy Under Secretary for Acquisition and Technology, and Maj. Gen. Randall L. West, USMC, Special Advisor to the Under Secretary for Personnel and Readiness, all of the Department of Defense; Lt. Gen. Ronald R. Blanck, USA, Surgeon General of the Army; and Carol R. Schuster, Associate Director, National Security Preparedness Issues, National Security and International Affairs Division, General Accounting Office.

Hearings recessed subject to call.

SECURITIES MARKETS STRUCTURE

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the evolution of the equity markets and the appropriate role of policymakers in this period of rapid change, focusing on implications of technology changes and the role of policymakers, after receiving testimony from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1755, to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones, with an amendment in the nature of a substitute;

S. 2340, 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, with amendments;

S. 1089, to authorize appropriations for fiscal years 2000, 2001, and 2002, for the United States Coast Guard, with an amendment in the nature of a substitute;

S. 1482, to amend the National Marine Sanctuaries Act, with an amendment;

S. 1911, to conserve Atlantic highly migratory species of fish, with an amendment in the nature of a substitute;

H.R. 1651, to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, with amendments;

S. 2327, to establish a Commission on Ocean Policy;

S. 1407, to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2000, 2001, and 2002, with an amendment in the nature of a substitute;

S. 1639, to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service and Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002, with an amendment in the nature of a substitute;

S. 1912, to facilitate the growth of electronic commerce and enable the electronic commerce market to continue its current growth rate and realize its full potential, to signal strong support of the electronic commerce market by promoting its use within Federal government agencies and small and medium-sized businesses;

S. 2046, to reauthorize the Next Generation Internet Act, with an amendment in the nature of a substitute;

S. 442, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel LOOKING GLASS;

S. 1261, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel YANKEE;

S. 1613, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VICTORY OF BURNHAM;

S. 1614, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel LUCKY DOG;

S. 1615, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel ENTERPRIZE;

S. 1779, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement with appropriate endorsement for employment in the coastwise trade for the vessel M/V SANDPIPER;

S. 1853, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FRITHA; and

The nominations of Robert Clarke Brown, of Ohio, John Paul Hammerschmidt, of Arkansas, and Norman Y. Mineta, of California, each to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, Carol Jones Carmody, of Louisiana, and John Goglia, of Massachusetts, each to be a Member of the National Transportation Safety Board, Vice Adm. Thomas H. Collins, U.S. Coast Guard, to be Vice Commandant, with the Grade of Vice Admiral, Rear Adm. Ernest R. Riutta, U.S. Coast Guard, to be Commander, Pacific Area, with the Grade of Vice Admiral, and certain promotion lists in the United States Coast Guard.

NATURAL DISASTER PROTECTION AND INSURANCE

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 1361, 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, after receiving testimony from Stuart E. Eizenstat, Deputy Secretary of the Treasury; David L. Keating, National Taxpayers Union, Alexandria, Virginia; Franklin W. Nutter, Reinsurance Association of America, Washington, DC; Travis Plunkett, Consumer Federation of America, Arlington, Virginia; Jack F. Weber, Home Insurance Federation of America, Potomac Halls, Virginia; Charles T. Brown, Baker, Wellman, Brown Insurance and Financial Services, Kennett, Missouri, on behalf of the Independent Insurance Agents of America; and Scott A. Gilliam, Cincinnati Insurance Companies, Fairfield, Ohio.

ELECTRIC POWER

Committee on Energy and Natural Resources: Committee resumed hearings on S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability, S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system, S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier, S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power market, S. 1047, to provide for a more competitive electric power industry, S. 516, to benefit consumers by promoting competition in the electric power industry, S. 282, to provide that no electric utility shall be required to enter

into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978, receiving testimony from Senator Jeffords; Representative Barton; New Hampshire State Senator Clifton Below, Concord, on behalf of the National Conference of State Legislatures; Benjamin Montoya, Public Service Company of New Mexico, Albuquerque, on behalf of the Edison Electric Institute; Joseph E. Ronan, Jr., Calpine Corporation, San Jose, California, on behalf of the Electric Power Supply Association; Ron Moeller, Cargill Corporation, Minneapolis, Minnesota, on behalf of the Electricity Consumers Resource Council; Gary Zimmerman, Michigan Municipal Electric Association and Michigan Public Power Agency, Lansing, on behalf of the American Public Power Association; Glenn English, National Rural Electric Cooperative Association, Washington, DC; and Alan J. Nogee, Union of Concerned Scientists, Cambridge, Massachusetts.

Hearings will resume on Thursday, April 27.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 522, to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, with an amendment in the nature of a substitute;

H.R. 999, to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters;

S. 2370, to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse'';

H.R. 2412, to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the ''E. Ross Adair Federal Building and United States Courthouse'';

S. 2297, to reauthorize the Water Resources Research Act of 1984; and

The nomination of Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

Convention On Protection of Children and Co-operation in Respect of Intercountry Adoption, Adopted and Opened for Signature at the Conclusion of the Seventeenth Session of the Hague Conference on Private International Law on May 29, 1993, with 6 declarations. (Treaty Doc. 105–51)

S. 682, to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, with an amendment in the nature of a substitute;

S. Res. 271, regarding the human rights situation in the People's Republic of China, with amendments;

S. Res. 272, expressing the sense of the Senate that the United States should remain actively engaged in southeastern Europe to promote long-term peace, stability, and prosperity; continue to vigorously oppose the brutal regime of Slobodan Milosevic while supporting the efforts of the democratic opposition and fully implement the Stability Pact, with amendments;

S. Res. 287, expressing the sense of the Senate regarding U.S. policy toward Libya;

S. Res. 289, expressing the sense of the Senate regarding the human rights situation in Cuba;

S. Con. Res. 81, expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire;

S. Con. Res. 98, urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction;

H.R. 3707, to authorize funds for the site selection and construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan, with amendments; and

The nominations of Carey Cavanaugh, of Florida for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh and New Independent States Regional Conflicts, Christopher Robert Hill, of Rhode Island, to be Ambassador to the Republic of Poland, Thomas G. Weston, of Michigan, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus, 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, 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, Gary A. Barron, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, all of the Department of State, and certain Foreign Service Officer promotion lists.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following bills:

S. 2058, to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals; and

S. 2367, to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act.

Also, Committee approved a resolution of issuance of subpoenas regarding the appointment of an Independent Counsel pursuant to Rule 26.

MOTHER TERESA RELIGIOUS WORKERS ACT

Committee on the Judiciary: Subcommittee on Immigration concluded hearings on S. 2406, to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers, after receiving testimony from Archbishop Adam Cardinal Maida, Detroit, Michigan, on behalf of the United States Catholic Conference Committee on Migration; Rabbi Steven Weil, Oak Park, Michigan, on behalf of the Council of Orthodox Rabbis and Rabbinical Council of America and the Orthodox Union; and Ralph W. Hardy, Jr., Church of Jesus Christ of Latter Day Saints, Washington, DC.

PENSION ASSETS PROTECTION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine issues dealing with protecting pension assets in personal bankruptcy, the Employee Retirement Income Security Act, and on certain provisions of H.R. 833, to amend title 11 of the United States Code (Bankruptcy Reform), after receiving testimony from Leslie B. Kramerich, Acting Assistant Secretary of Labor for Pension and Welfare Benefits Administration; Bruce A. Markell, University of Nevada, Las Vegas William S. Boyd School of Law; Virginia Tierney, American Association for Retired Persons, and James S. Ray, Connerton and Ray, on behalf of the AFL-CIO, both of Washington, DC; Scott J. Macey, Actuarial Sciences Associates, on behalf of the ERISA Industry Committee; and Ned Burmeister, Trustar Retirement Services, Wilmington, Delaware;

House of Representatives

Chamber Action

Bills Introduced: 81 public bills, H.R. 4265–4345; and 11 resolutions, H. Con. Res. 307–312 and H. Res. 477–481, were introduced. **Pages H2336–40**

Reports Filed: Reports were filed today as follows:

H.R. 3244, to combat trafficking of persons, especially into the sex-trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, amended (H. Rept. 106–487, Pt. 2);

H.R. 3646, a private bill, for the relief of certain Persian Gulf evacuees (H. Rept. 106–580);

H.R. 3363, a private bill, for the relief of Akal Security, Incorporated (H. Rept. 106–581).

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, amended (H. Rept. 106–582);

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. Rept. 106–583);

H.R. 2932, to authorize the Golden Spike/Crossroads of the West National Heritage Area, amended (H. Rept. 106–584);

H.R. 3293, to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, amended (H. Rept. 106–585);

H.R. 1901, to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station" (H. Rept. 106–586);

H.R. 1729, to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall" (H. Rept. 106–587);

H.R. 1571, to designate the Federal building under construction at 600 State Street in New Haven, Connecticut, as the "Merrill S. Parks, Jr., Federal Building" (H. Rept. 106–588); and

H.R. 1405, to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building" (H. Rept. 106–589).

H.R. 317, to direct the Administrator of General Services to convey a parcel of land in the District of

Columbia to be used for construction of the National Health Museum, amended (H. Rept. 106–590); and

H.R. 3069, to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia, amended (H. Rept. 106–591). **Page H2336**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Jacob J. Schachter of New York, New York. **Page H2241**

Journal: The House agreed to the Speaker's approval of the Journal of Wednesday, April 12 by a yea and nay vote of 365 yeas to 49 nays with 1 voting "present", Roll No. 123. **Pages H2241–42**

Congressional Budget Resolution for Fiscal Year 2001: The House agreed to the conference report on H. Con. Res. 290, establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005 by a yea and nay vote of 220 yeas to 208 nays, Roll No. 125. **Pages H2249–58**

H. Res. 474, the rule that provided for consideration of the concurrent resolution was agreed to by a yea and nay vote of 221 yeas to 205 nays, Roll No. 124. **Pages H2242–49**

Committee on Rules Resolutions: Agreed that the following resolutions be laid on the table: H. Res. 356, H. Res. 375, H. Res. 382, and H. Res. 383. **Page H2259**

Date Certain Tax Code Replacement Act: The House passed H.R. 4199, to terminate the Internal Revenue Code of 1986 by a yea and nay vote of 229 yeas to 187 nays, Roll No. 127. **Pages H2267–82**

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of H.R. 4230, Date Certain Tax Code Replacement Act, was considered as adopted. **Page H2268**

Rejected the Rangel motion to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith with an amendment in the nature of a substitute that requires comprehensive reform of the tax code by July 4, 2004 by a yea and nay vote of 191 yeas to 228 nays, Roll No. 126. **Pages H2277–82**

H. Res. 473, the rule that provided for consideration of the bill was agreed to by a voice vote. **Pages H2259–67**

Rural Local Broadcast Signal Act: The House passed H.R. 3615, to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006 by a yea and nay vote of 375 yeas to 37 nays, Roll No. 128. **Pages H2283–H2302**

Pursuant to the order of the House, in lieu of the amendments recommended by the Committees on Agriculture and Commerce now printed in the bill, the amendment in the nature of a substitute sent to the desk by the Chairman Dreier, Chairman of the Committee on Rules, was considered as adopted. Subsequently, during general debate, the House agreed to the Goodlatte unanimous consent request that the amendment in the nature of a substitute considered as adopted under the previous order of the House be the amendment in the nature of a substitute that Representative Goodlatte had placed at the desk. **Pages H2283, H2292**

The bill was considered pursuant to an earlier unanimous consent order of the House and H. Res. 475, a rule to provide for consideration of the bill was laid on the table. **Page H2258**

Radio Broadcasting Preservation Act: The House passed H.R. 3439, to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations by a recorded vote of 274 ayes to 110 noes, Roll No. 130. Agreed to amend the title. **Pages H2302–18**

Agreed to the Committee on Commerce amendment in the nature of a substitute made in order by the rule. **Page H2317**

Rejected the Barrett of Wisconsin amendment that sought to allow the Federal Communications Commission to modify the rules to eliminate or reduce the minimum distance separations for third-adjacent channels six months after the Commission submits a study to Congress that examines whether low-power FM radio stations result in harmful interference to existing stations (rejected by a recorded vote of 142 ayes to 245 noes, Roll No. 129). **Pages H2311–17**

The bill was considered pursuant to an earlier unanimous consent order of the House; and H. Res. 472, a rule to provide for consideration of the bill was laid on the table. **Pages H2258–59**

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until Tuesday, May 2, 2000, the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. **Page H2318**

Calendar Wednesday: Agreed that the business in order under the calendar Wednesday rule be dispensed with on Wednesday, May 3, 2000. **Page H2318**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representatives Wolf or if not available Representative Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through May 2. **Page H2319**

Senate Messages: Messages received from the Senate today appear on pages H2242, H2283, and H2319.

Referrals: S.J. Res. 40, S.J. Res. 41, and S.J. Res. 42 were referred to the Committee on House Administration. **Page H2334**

Quorum Calls—Votes: Six yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H2241–42, H2248–49, H2258, H2281–82, H2282, H2301–02, H2317, and H2318. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and pursuant to the provisions of H.Con.Res. 303, the House adjourned at 9:45 p.m. until 12:30 p.m. on Tuesday, May 2, 2000, for morning-hour debate.

Committee Meetings

HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION ACT; ANIMAL WELFARE ACT AMENDMENTS

Committee on Agriculture: Subcommittee on Livestock and Horticulture approved for full Committee action, as amended, the following bills: H.R. 2962, Hass Avocado Promotion, Research, and Information Act; and H.R. 1275, to amend the Animal Welfare Act to prohibit the interstate movement of live birds for the purpose of having the birds participate in animal fighting.

Prior to this action, the Subcommittee held a hearing on H.R. 2962. Testimony was heard from public witnesses.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing, and Related Programs held a hearing on the Secretary of the Treasury. Testimony was heard from Lawrence H. Summers, Secretary of the Treasury.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the SSA and the U.S. Institute of Peace. Testimony was heard from Kenneth S. Apfel, Commissioner, SSA; and Chester A. Crocker, Chairman, U.S. Institute of Peace.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies continued appropriation hearings. Testimony was heard from public witnesses.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services, Special Oversight Panel on Merchant Marine approved recommendations to the committee on H.R. 4205, National Defense Authorization Act for Fiscal Year 2001.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Special Oversight Panel on Morale, Welfare and Recreation approved recommendations to the committee on H.R. 4205, National Defense Authorization Act for Fiscal Year 2001.

NTSB RAPIDRAFT PAYMENT SYSTEM ABUSE

Committee on the Budget: Housing and Infrastructure Task Force held a hearing on Abuse of the NTSB Rapidraft Payment System. Testimony was heard from Kenneth M. Mead, Inspector General, Department of Transportation; and James E. Hall, Chairman, National Transportation Safety Board.

U.S. ENRICHMENT CORPORATION PRIVATIZATION—IMPACT ON DOMESTIC URANIUM INDUSTRY

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing to review U.S. Enrichment Corporation privatization and its impact on the domestic uranium industry. Testimony was heard from Gary Gensler, Under Secretary, Department of the Treasury; Ernest J. Moniz, Under Secretary, Department of Energy; Carl Paperiello, Deputy Executive Director, Materials, Research, and State Programs, NRC; and public witnesses.

RELIGIOUS BROADCASTING FREEDOM ACT; NONCOMMERCIAL BROADCASTING FREEDOM OF EXPRESSION ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on the following bills: H.R. 3525, Religious Broadcasting Freedom Act; and H.R. 4201, Noncommercial Broadcasting Freedom of Expression Act of 2000. Testimony was heard from the following Commissioners of the FCC: Harold W. Furchtgott-Roth; and Gloria Tristani; and public witnesses.

EDUCATION OPTIONS ACT

Committee on Education and the Workforce: Ordered reported, as amended, H.R. 4141, Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported, as amended, the following bills: H.R. 4022, Russian Anti-Ship Missile Nonproliferation Act; and H.R. 3680, to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to the adjustment of composite theoretical performance levels of high performance computers.

The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H. Res. 464, expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol the Red Shield of David; H. Res. 449, congratulating the people of Senegal on the success of the multi-party electoral process; H.R. 4251, Congressional Oversight of Nuclear Transfers to North Korea Act; H. Con. Res. 304, Expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus; H.R. 3879, amended, Sierra Leone Peace Support Act; and H. Con. Res. 295, amended, relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces.

CHILDREN'S RIGHTS IN CUBA

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Children's Rights in Cuba. Testimony was heard from public witnesses.

JUSTICE FOR VICTIMS OF TERRORISM ACT

Committee on the Judiciary: Subcommittee on Immigration and Claims held a hearing on H.R. 3485, Justice for Victims of Terrorism Act. Testimony was heard from public witnesses.

GUAM MEASURES

Committee on Resources: Held a hearing on the following bills: H.R. 755, Guam War Restitution Act; and H.R. 2462, Guam Omnibus Opportunities Act. Testimony was heard from Lisa Guide, Deputy Assistant Secretary, Policy and International Affairs, Department of the Interior; former Delegate Ben Blaz of Guam; and a public witness.

SHARK FINNING PROHIBITION ACT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 3535, Shark Finning Prohibition Act. Testimony was heard from Representative Cunningham; Andrew Rosenberg, Deputy Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands approved for full Committee action the following bills: H.R. 2773, amended, Wekiva Wild and Scenic River Act; H.R. 2950, amended, Oregon Land Exchange Act of 1999; H.R. 2778, amended, Taunton River Wild and Scenic River Study Act of 1999; H.R. 3084, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln; H.R. 3241, to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours Inc., a concessioner providing service to Fort Sumter National Monument in South Carolina; and H.R. 3676, Santa Rosa and San Jacino Mountains National Monument Act of 2000.

WIRELESS INTERNET TECHNOLOGY

Committee on Science: Subcommittee on Technology held a hearing on Wireless Internet Technology. Testimony was heard from public witnesses.

OSHA'S PROPOSED ERGONOMICS

Committee on Small Business: Subcommittee on Regulatory Reform and Paperwork Reduction held a hearing on OSHA's Proposed Ergonomics Standard and its Impact on Small Business. Testimony was heard from Charles N. Jeffress, Administrator, Occupational Safety and Health Administration, Department of Labor; and public witnesses.

VETERANS' LEGISLATION

Committee on Veterans' Affairs: Subcommittee on Benefits held a hearing on VA adjudication of Hepatitis C claims, and the following bills: H.R. 1020, Veterans' Hepatitis C Benefits Act; H.R. 3816, to amend title 38, United States Code, to provide that a stroke or heart attack that is incurred or aggravated by a member of a reserve component in the performance of duty while performing inactive duty training shall be considered to be service-connected for purposes of benefits under laws administered by

the Secretary of Veterans Affairs; H.R. 3998, Veterans' Special Monthly Compensation Gender Equity Act; and H.R. 4131, Veterans' Compensation Cost-of-Living Adjustment Act. Testimony was heard from Representatives Stupak and Snyder; the following officials of the Department of Veterans Affairs: Gary Roselle, M.D., Program Director, Infectious Diseases, Medical Center, Cincinnati; Nora Egan, Deputy Under Secretary, Management; and John McCourt, Deputy Director, Compensation and Pension Service; representatives of veterans organizations; and public witnesses.

FUNDAMENTAL TAX REFORM

Committee on Ways and Means: Concluded hearings on fundamental tax reform. Testimony was heard from Representative Portman; and public witnesses.

MANAGING INTELLIGENCE COMMUNITY PERSONNEL RESOURCES

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Building Capabilities: The Challenges of Managing Intelligence Community Personnel Resources. Testimony was heard from departmental witnesses.

Joint Meetings

2001 BUDGET

Conferees on Wednesday, April 12, agreed to file a conference report on the differences between the Senate and House passed versions of H. Con. Res. 290, establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

COMMITTEE MEETINGS FOR FRIDAY, APRIL 14, 2000

Senate

No meetings/hearings scheduled.

House Committees

Committee on Government Reform, April 20, hearing on "White House E-Mails: Mismanagement of Subpoenaed Records—Day 3", 11 a.m., 2154 Rayburn.

CONGRESSIONAL PROGRAM AHEAD

Week of April 17 through April 22, 2000

Senate Chamber

Senate will not be in session.

Senate Committees

No meetings/hearings scheduled.

House Chamber

House will not be in session.

House Committees

No Committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Tuesday, April 25

Senate Chamber

Program for Tuesday: Senate will continue consideration of the motion to proceed to the consideration of S.J. Res. 3, Victim's Rights.

At. 2:15 p.m., Senate will vote on the motion to close further debate on the motion to proceed to S.J. Res. 3, Victim's Rights. If cloture is not invoked, Senate will then vote on the motion to close further debate on H.R. 6, Marriage Tax Penalty.

(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, May 2

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Inslee, Jay, Wash., E553
LoBiondo, Frank A., N.J., E553
McKeon, Howard P. ''Buck'', Calif., E554
Morella, Constance A., Md., E553
Norton, Eleanor Holmes, D.C., E553
Pomeroy, Earl, N.D., E554
Portman, Rob, Ohio, E555
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