United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, WEDNESDAY, MAY 17, 2000 No. 61

House of Representatives

The House met at 9 a.m.

Commissioner John Busby, National Commander, Salvation Army, Alexandria, Virginia, offered the following prayer:

Almighty God, Creator, Preserver and Governor of all things, we humbly bow before You on behalf of those gathered here; individuals who find pleasure in serving the people of this great country.

With thankful hearts for Your goodness to each of them, we earnestly pray that You will take their minds and give them a new measure of wisdom, take their hearts and fill them with Your love for others, and take their wills and make them more obedient to Your will.

May Your servants here proceed step by step, hour by hour to meet the challenges You have given them so that in the end, the purpose that You have set out for this House of Representatives may be accomplished for the enrichment of people across this land and to Your honor and glory.

This we pray in Your holy name. Amen.

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.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. DEAL) come forward and lead the House in the Pledge of Allegiance.

Mr. DEAL of Georgia led the Pledge of Allegiance as follows:

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

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, May 11, 2000, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 5 minutes a.m.) the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. Good morning. On behalf of the House of Representatives, it gives me great pleasure to welcome to the Chamber today the former Members of Congress. This is your annual meeting. And, of course, many of you are personal friends from both sides of the aisle, and it is important that you are here certainly to renew those friendships.

As a report from the President will indicate, you honor this House and the Nation by your continuing efforts to export the concept of representative democracy to countries all over the world and to college campuses around this country. I endorse those efforts and hope you will pursue that and continue it.

I also endorse your wise choice of Chaplain Emeritus James D. Ford as the recipient of the Distinguished Service Award. Chaplain Ford will finally have his opportunity, which he has long sought, to speak from the floor of the House, a privileged reserved only to Members. I would remind him, however, that the proceedings are technically held within the House in recess, just to place things in perspective.

At this time, I would request that my friend, the gentleman from Illinois, Mr. Erlenborn, Vice President of the Former Members Association, take the Chair.

Mr. ERLENBORN (presiding). The Clerk will call the roll of former Members of the House and Senate who are present today.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 30TH ANNUAL SPRING MEETING

THE UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS

William V. (Bill) Alexander (Arkansas)
J. Glenn Beall, Jr. (Maryland)
Tom Bevill (Alabama)
Daniel B. Brewster (Maryland)
Donald G. Brotzman (Colorado)
Clarence J. Brown, Jr. (Ohio)
James T. Broyhill (North Carolina)
John H. Buchanan (Alabama)
Jack Buechner (Missouri)
Albert G. Bustamante (Texas)
Beverly B. Byron (Maryland)
Elford A. Cederberg (Michigan)
Charles E. Chamberlain (Michigan)
Rod Chandler (Washington)
William F. Clinger (Pennsylvania)
R. Lawrence Coughlin (Pennsylvania)
James K. Coyne (Pennsylvania)
E (Kika) de la Garza (Texas)
Ben L. Erdreich (Alabama)
John N. Erlenborn (Illinois)
Don Fuqua (Florida)
Robert Garcia (New York)
Robert N. Giaimo (Connecticut)
Gilbert Gude (Maryland)
Robert P. Hanrahan (Illinois)
William D. Hathaway (Maine)
Dennis M. Hertel (Michigan)
George J. Hochbrueckner (New York)
William J. Hughes (New Jersey)
Hastings Keith (Massachusetts)
David S. King (Utah)
Ernest Konnyu (California)
Lawrence P. (Larry) LaRocco (Idaho)
Claude (Buddy) Leach (Louisiana)
Marilyn Lloyd (Tennessee)
Cathy Long (Louisiana)
Andrew Maguire (New Jersey)
Romano L. Mazzoli (Kentucky)
Matthew F. McHugh (New York)
Jan Meyers (Kansas)

Printed on recycled paper.

Robert H. Michel (Illinois)
Abner J. Mikva (Illinois)
Clarence E. Miller (Ohio)
John S. Monagan (Connecticut)
G.V. (Sonny) Montgomery (Mississippi)
Shirley N. Pettis (California)
William R. Ratchford (Connecticut)
Marty Russo (Illinois)
George E. Sangmeister (Illinois)
Ronald A. Sarasin (Connecticut)
Patricia Schroeder (Colorado)
Richard T. Schulze (Pennsylvania)
Dennis A. Smith (Oregon)
Neal E. Smith (Iowa)
Gerald B.H. Solomon (New York)
James V. Stanton (Ohio)
James W. Symington (Missouri)
Steve Symms (Idaho)
Robert S. Walker (Pennsylvania)
Charles W. Whalen, Jr. (Ohio)
James C. Wright, Jr. (Texas)
Roger H. Zion (Indiana)

Mr. ERLENBORN (presiding). The Chair now recognized the distinguished minority whip, the gentleman from Michigan (Mr. BONIOR) for such remarks as he may make.

Mr. BONIOR. Mr. Speaker, it is good to be with you again. We welcome you back to the Capitol. I want to echo the comments of the gentleman from Illinois (Mr. HASTERT), my dear friend and our Speaker, when I say to you this morning that it is good to see so many familiar faces and to comment how comfortable you look in your seats.

I am sure, as some of you know, I look forward some day of joining you all in your present capacity, but not too soon. The great American historian and diplomat, John Kenneth Galbraith, once said that nothing is so admirable in politics as a short memory. But when I look out at those of you who are sitting here this morning, think that is really not true at all, because what we really need more than anything in this institution today is to depend upon your institutional memory to recapture the great, not only concepts and principles, but traditions of this body, which I think we are slowly putting back together after a very difficult period of time that we have gone through in the last decade.

So I want to welcome all of you back on behalf of DICK GEPHARDT and our leadership. I wish you a good day today. Thank you for honoring Jim Ford, who I know many of you have served with while you were in the House of Representatives. He is a very special and a very dear man.

I remember one instance when I was in the hospital with Jim, we were at, I think it was Walter Reed, we both were pretty ill and we were going down for an operation together. They wheeled us just coincidentally out of our ward together. We got out of the elevator together. We went down the elevator together and we separated. And just before we separated to go on our respective surgical rooms he said to me, ''BONIOR, I want you to remember, this is what I call real chaplainship.'' He was there for me in my hour of need right into the operating room.

I also want to say that I look forward to, I do not know how many of you going to go to the event on China today, but I am on the panel discussion. So I look forward to a vigorous debate and discussion of that issue as well.

So welcome. I look forward to visiting with you today, and I hope you have a wonderful experience back in your House. Thank you.

The SPEAKER pro tempore. The Chair announces that 49 former Members of Congress have responded to their names. A quorum is present.

The Chair will now recognize the gentleman from New York, the Honorable Matthew McHugh, President of our association, for such time as he may consume, and to yield for appropriate remarks to other Members.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

Mr. MCHUGH. Mr. Speaker, my thanks to our Speaker pro tempore and to all of my colleagues for being with us this morning. We are, of course, especially grateful to the Speaker, DENNIS HASTERT, for taking time from his very busy schedule to be with us, and to the gentleman from Michigan (Mr. BONIOR) for his warm welcome as well.

It is always a privilege for us to return to this great institution which we revere and where we shared so many memorable experiences. Service in Congress, as we know, is both a joy and a heavy responsibility, and whatever our party affiliation, we have great admiration for those who continue to serve in this place for the country.

We thank them all once again for giving us this opportunity to report on the activities of our Association of Former Members of Congress.

This is our 30th annual report to Congress. Our association is nonpartisan, or bipartisan. It has been chartered but not funded by the Congress. We have a wide variety of domestic and international programs which I and others this morning will briefly summarize in our report.

Our membership now is approximately 600 men and women, the purpose of which is to continue in some small measure the service to the country that we began during our terms of service here in the House or in the Senate.

I think our most significant domestic activities are our Congress to Campus program. As most know, this is a bipartisan effort to share with college students throughout the country our insights on the work of Congress and on the political process more generally.

A team of former Members, one Democrat and one Republican, spend up to 2½ days on college campuses throughout the United States meeting formally and informally with students, but also with Members of the faculty and the local communities.

It is a great experience for all Members, and those who have participated have always enjoyed it. But our primary goal is to generate a deeper appreciation for our democratic form of government and the need for young people in particular to participate actively in the political process.

Since the program's inception in 1976, 119 former Members of Congress have reached more than 150,000 students through 267 visits to 183 campuses in 49 States and the District of Columbia.

In recent years we have conducted the program jointly with the Stennis Center for Public Service at Mississippi State University. The former Members donate their time to the program, the Stennis Center pays transportation costs, and the host institution provides room and board.

At this point, Mr. Speaker, I would like to yield to Rod Chandler, the gentleman from the State of Washington, to discuss his participation in this Congress to Campus program.

Mr. CHANDLER. Mr. Speaker, it has been my privilege to visit five campuses under the Congress to Campus program of the United States Former Members of Congress Association. I am an enthusiastic supporter of this program, and I believe that we are making an important contribution toward the understanding of and respect for our Nation's policy-making institution itself, particularly the Congress of the United States.

In March, my former colleague from Michigan, Dennis Hertel, and I were guests at Meridian Community College in Meridian, Mississippi. Diann Sollie, Chair of the Social Science Division of the school, was the faculty in charge of our visit. In 2 days, we spoke to eight separate classrooms, met with talented and gifted high school students from the Meridian area, and visited informally with Meridian Community College students.

Dennis Hertel and I are good friends and we present a compatible team. We do differ on major subjects, however, and the students appeared to enjoy and appreciate our frank discussion of these policy questions. We also spoke with students of our personal political careers and provided advice to those who expressed an interest in developing political careers of their own.

Mr. Speaker, thousands of young men and women in this country are fascinated by what takes place here in this Chamber and in the Senate. They would like to contribute to their country and play a role in the world's greatest democracy. I believe the Former Members of Congress Association provides a valuable contrast to the often misleading news coverage of Congress.

I would like to thank the Stennis Center for its support of Congress to Campus, and the fine staff of the former Members of Congress association, ably led by Linda Reed, for the

coordinating role that they play. My hope is that we former Members will continue to demonstrate for America's young people the treasure we have in the form of a country where every citizen, if they choose to, has a say in public policy.

Mr. MCHUGH. Thank you very much, Rod. One outgrowth of the Congress to Campus program was an interest in producing a book that would take an inside look at Congress from differing viewpoints. There are many fine books written by individual Members of Congress, but to our knowledge, there was no compendium that goes behind the scenes in a very personal way.

So, our immediate past president, Lou Frey, recruited more than 30 Members of Congress, former Members, and their spouses to write chapters for a book on Congress. It is being coedited by Lou and by the head of the political science department at Colgate University, Professor Michael Hayes. The book is scheduled to go to press later this year, and we hope that all of you will find it interesting reading.

Mr. Speaker, as you know, although many of our former Members live in the Washington area, there are quite a few who reside in other parts of the country. Therefore, in an effort to broaden participation in the association's work, we have had some meetings outside of Washington. In recent years, for example, we have held meetings in the western region, and California in particular.

In November of last year, the meeting was in San Diego. In addition to enjoying many of the attractions of that beautiful area, our Members met with students and faculty at San Diego State University as well as the University of California at San Diego. Also former Members Lynn Schenk and Paul Rogers, who serve on the board of directors of Scripps Research Institute, arranged a briefing and a reception for us at the institute.

This year the regional meeting will be held in Austin, Texas, from October 21 to 25. Our former colleagues, Jake Pickle and Jack Hightower, are planning an interesting schedule that will include visits to the LBJ Library and ranch, tours of the State Capitol building and other local attractions, as well as meetings with students at the University of Texas. Joel Wyatt last night also volunteered to help with our program in Austin as well.

We certainly hope that many of you will be able to join us for what promises to be a very worthwhile and enjoyable time.

After the November elections, the association will again sponsor what we have called the Life After Congress Seminar, a program we have traditionally organized for the benefit of Members who are leaving the Congress. During the seminar, former Members now working in the public and private sectors will share insights with retiring Members about career opportunities and the personal adjustments involved in this transition.

In addition, congressional support staff will outline the services available to former Members of Congress. As in the past, the seminar will be followed by a reception sponsored by the auxiliary to the association which will afford more time for informal exchanges.

Mr. Speaker, beyond the events we organize here, the association is very active in sponsoring programs that are international in scope. Over the years, we have gained experience in fostering interaction between the leaders of other nations and the United States. We have arranged 410 special events at the U.S. Capitol for international delegations from 85 countries and the European Parliament, programmed short-term visits for individual Members of parliaments, and long-term visits for parliamentary staff.

We have hosted 46 foreign policy seminars in nine countries involving more than 1,500 former and current parliamentarians, and we have conducted 18 study tours abroad for Members of Congress.

The association also serves as a secretariat for the Congressional Study Group on Germany. As many know, this is the largest and most active exchange program between the U.S. Congress and the parliament of another country. Founded in 1987 in the House and 1988 in the Senate, it is a bipartisan group of 171 representatives and senators. They are afforded the opportunity to meet with their counterparts in the German Bundestag to enhance understanding and greater cooperation. Ongoing Study Group activities include conducting a distinguished visitors program at the U.S. Capitol for guests from Germany, sponsoring annual seminars involving Members of Congress and the Bundestag, providing information about participants in the Congress-Bundestag Youth Exchange Program to appropriate Members of Congress, and arranging for Members of the Bundestag to visit congressional districts with Members of Congress. New activities are being explored to enhance these opportunities.

The Congressional Study Group on Germany is funded primarily by the German Marshall Fund of the United States. Additional funding, with the help of Tom Coleman, our former colleague, has also been obtained from eight corporations and they are represented now on the Business Advisory Council to the Study Group.

I would like at this point to yield to our friend and colleague from Missouri, Jack Buechner, to report on the 17th annual Congress-Bundestag Seminar, which was held recently in Niagara Falls, and other activities.

Mr. BUECHNER. Mr. Speaker, I thank the gentleman for yielding. I think everyone who has served in the Congress since 1987 will be aware of the fact that the Congressional Study Group between the United States Congress and the Bundestag is the largest of any of the cooperative relationships with other parliaments. Currently, over 160 Members of the sitting Congress participate in the Study Group, and the activities are certainly ones to be proud of and to certainly serve as a model for any other bicameral relationship.

Both parties are represented in the Study Group, and they come from all regions of the country. Currently, the two Senate leaders are TIM JOHNSON and BILL ROTH, and on the House side, the current chairman of our group is JOHN LAFALCE of New York, and he is joined by JOEL HEFLEY of Colorado as the vice chairman.

The support, although it is under the aegis of the Congress, the financial support actually comes from the German Marshal Fund and from generous donations from German-American business groups.

Since the last meeting of the former Members, the Congressional Study Group on Germany has conducted 17 events as part of the Distinguished Visitors Program, and that brings German dignitaries to the United States Congress to meet with Members of the Study Group. Just as an example, some of the visiting dignitaries last year were Anke Fuchs, the vice president of the Bundestag; Peter Struck, the majority floor leader in the Bundestag; Hans-Ulrich Klose, the chairman of the Bundestag's Foreign Affairs Committee; and recently Joschka Fischer, Germany's vice chancellor and foreign minister.

When these dignitaries come in, the meetings are, of course, both formal and informal. They make themselves available for press briefings and for public dialogue. Following that, there is memoranda that are circulated from both the Bundestag and the Congress. They are made available to various committees and certainly to the 160 Members of the Study Group who currently serve. These issues, I believe, are of international trade, defense, and the types of issues that, of course, our Members need very much to hear about.

Last month, right prior to the Easter vacation, the 17th meeting of the Joint Study Group was conducted and held in Niagara Falls, New York. Our House Chairman, JOHN LAFALCE, was the host.

We had Members of the Bundestag, I think we had seven Members of the Bundestag and nine sitting Members of the United States Congress were there. Along with it we had four former Members of Congress, John Erlenborn, Lou Frey, Tom Coleman of Missouri, and myself. And we were joined by business leaders of the German-American business community.

We conducted discussions about everything ranging from WTO to the role of NATO, whether there was going to be a European Army come up, the relationship of the EU, and such things as relationships with China. And it was really a great event, because there was an opportunity for everybody to take off their legislator's hat and put on the

one of really an ambassador of goodwill.

But the discussions became very hot and heavy, especially on topics such as PNTR. We were able to go to Niagara Falls. I do have to say that the weather was a little rainy, a little windy, a little bleak, and there were only a few flowers and trees budding, but it had no effect upon the camaraderie that was established amongst the group.

Barber Conable, our former Member from New York, and also the former head of the World Bank, joined us and we had a very lengthy discussion. This was at the old Fort Niagara, and we really did have a great time there, and I think that it really augurs well for the continuation of the program.

Next year, the meeting for the first time will be held in what was formerly East Germany up around the Baltic, and I would hope that we will have a good attendance from our current Members as well as the former Members. So thank you very much. The growth is one to be admired and the participation of the former Members is certainly a good relationship for us to continue with the sitting Members, and the board looks forward to continuation of the program.

Mr. MCHUGH. Thank you very much, Jack. The association also serves as the secretariat for the Congressional Study Group on Japan. This was founded in 1993 in cooperation with the East-West Center in Hawaii. It is a bipartisan group of 80 Members in the House and Senate with an additional 55 Members who have asked to be kept informed of the Study Group activities.

In addition to providing substantive opportunities for Members of Congress to meet with their counterparts in the Japanese Diet, the Study Group arranges monthly briefings when Congress is in session for Members to hear from American and Japanese experts about various aspects of the U.S.-Japanese relationship.

The Congressional Study Group on Japan is funded primarily by the Japan-U.S. Friendship Commission.

Last year, Mr. Speaker, the association began a parliamentary exchange program with the People's Republic of China. In October, with funding from the U.S. Information Agency, the association hosted a delegate of nine Members of the National People's Congress here in Washington.

This visit marked the inauguration of the U.S.-China Interparliamentary Exchange Group, whose members have been appointed by the Speaker. The association has been asked by the Department of State to submit a proposal to fund a visit to China by members of this exchange group next year. We are also seeking funding to initiate a Congressional Study Group on China, which would hold monthly meetings at the Capitol for current Members to discuss with American and Chinese experts topics of particular concern. Obviously, this would follow the same pattern as these other study groups that we have been coordinating for Germany and Japan.

I would like now, Mr. Speaker, to yield to the gentlewoman from Maryland, Beverly Byron, to discuss the October visit and future plans for the exchange program with China.

Ms. BYRON. Mr. Speaker, I would like to say, first of all, that I think it is interesting to note that the Senate Finance Committee and the House Committee on Ways and Means are taking up today the Most Favored Nation Status for China. And so it is timely and appropriate that we discuss the Chinese exchange program that this body has begun.

In August of 1996, 10 former Members had an opportunity, at the invitation of the Chinese government, to spend, I guess, about 8, 9 days in China, an extremely exciting and interesting trip. And as a return, a delegation of nine members of the National People's Congress, the Standing Committee and the Foreign Affairs group, visited Washington this year from October 11 to 16.

The Chinese government paid the international transportation costs for the delegation and we picked up the costs while they were here.

It marked the inauguration of a U.S.-China Interparliamentary Exchange group whose members were appointed by Speaker Hastert in the late summer. The chair of that group is Representative DONALD MANZULLO of Illinois, and DOUG BEREUTER of Nebraska is vice chair, and TOM LANTOS of California is ranking Democrat.

They had a visit to the Hill with four rounds of meetings between Members of Congress and their Chinese counterparts. In addition to the meetings with the Members, the Chinese delegation held extensive talks with Kurt Campbell of the Department of Defense, Tom Pickering, Department of State, Susan Shirk, Deputy Assistant Secretary for East Asian and Pacific Affairs, and then they went to the General Accounting Office and then Matt took care of them when they went down and visited with the World Bank.

They met with the Office of U.S. Trade Representative, the National Security Council, U.S.-Chinese Business Council and U.S.-Chinese scholars. So we can see they had an extremely broad opportunity to be exposed.

During the meetings with Congress, as well as during the talks with representatives in the administration, many contentious issues came up. Human rights, Taiwan, trade deficit, the U.S. bombing of the embassy, and joining the World Trade Organization. These conversations were sometimes difficult and sometimes there was a meeting of the mind.

It was interesting, one of the members of the delegation was the Chinese Bishop of Beijing who wished to meet with Catholic officials while he was here, or some priests. We were able to set up a meeting at Georgetown University with Father Bill Byron, who was formerly head of CU, and the dialogue, as our new chaplain will be interested to know, was an extremely interesting one.

The delegation also had an interest in seeing something outside of Washington, and so I grabbed on the opportunity and we took them to Annapolis. They were given an opportunity to visit Annapolis for about an hour and a half on their own, at which time they came back with numerous pictures, and we had an extensive visit and dinner at the Naval Academy, but they all wanted their picture taken with their postcard in front of the statue that was at the Naval Academy.

They had dinner in the dining hall with the midshipmen. It was quite a revelation for many of them to realize that there were 4,000 midshipmen that ate in one room, and we had a very interesting discussion because there are four professors at the academy that are of Chinese origin and speak the different dialects. So we did not have to work through interpreters that evening.

They also had an opportunity to visit the Maryland State House. I was interested to note that the Maryland Secretary of State, John Willis, we have an active ongoing program with the Chinese exchange so he was delighted.

As an outgrowth of this, the congressional delegation that they met with have been working and will be looking forward to a return exchange visit, probably a year from now, with some of the same Members that they met with before.

Let me take 2 seconds, because no one can control a Member and no one can control a former Member unless they bang the gavel, but, Rod, you talked about the campus program. I had an opportunity to go visit the University of Utah in Salt Lake City with Barbara Vucanovich, and it was an extremely wonderful 3 days interacting with the students. So for anybody that has not participated in those programs, I cannot urge you enough to try. Thank you.

Mr. MCHUGH. Thank you, Bev. Before we leave the subject of China, let me just remind everybody that immediately after our proceedings here on the floor, we are going to have a panel, very distinguished panel, including DAVE BONIOR who mentioned it when he was here, on the subject of China-U.S. relations and, of course, particularly on this pending issue of trade relations with China. So we encourage all of you to come to that panel presentation immediately after this at about 10:30.

The U.S. Congress and the Congress of Mexico have been conducting annual seminars for about 39 years under the auspices of the Interparliamentary Group; however, there is still little interaction between the legislators from our two countries during the rest of the year. The association hopes to initiate a Congressional Study Group on Mexico with funding from the Tinker Foundation, so that Members of

Congress can meet on a regular basis with visiting Mexican dignitaries and other experts on our mutual relationship.

In the aftermath of the political changes in Europe, the association began a series of programs in 1989 to assist the emerging democracies of Central and Eastern Europe. With funding from the U.S. Information Agency, the association sent bipartisan teams of former Members, accompanied by either a congressional or country expert, to the Czech Republic to, Slovakia, Hungary and Poland for up to 2 weeks. They conducted workshops and provided instruction on legislative issues for new members of parliament in those countries as well as their staffs and other persons involved in the legislative process.

They also made public appearances to discuss the American political process. In addition, the association brought delegations of members of parliament from all of these countries to the U.S. for 2-week visits. Also with funds from this USIA, the association sent a technical advisor to the Hungarian parliament from 1991 to 1993.

With financial support from the Pew Charitable Trust in 1994, the association assigned technical advisors to the Slovak and Ukrainian parliaments. This initial support was supplemented by other grants to enable Congressional Fellows to extend their stays.

Since 1995, with funding from the U.S. Agency for International Development and the Eurasia Foundation, the association has managed a very highly successful program to place outstanding Ukrainian students in internships with committees in the Ukrainian parliament. This program meets not only the parliament's short-term need for having a well-educated motivated and professionally trained staff, but also the longer term need to develop a cadre of trained professionals.

At this point, Mr. Speaker, I would like to yield to the gentleman from Michigan, Dennis Hertel, to report on our program in Ukraine.

Mr. HERTEL. Mr. Speaker, I thank the gentleman from New York. Last year I had the pleasure of advising the Congress about the continued progress of our program in Ukraine. I am now able to report that our goals have been achieved. We will be completing 6 years of assistance to the Ukrainian parliament.

I want to give a special ''thank you'' on behalf of our association to Walt Raymond, Bill Brown, our former parliamentarian, and our colleague, Lucien Nedzi. Our most lasting accomplishment has been to create and sustain for 5 years a robust internship in the parliament.

Five years ago, few, if any new staffers, were hired by the Ukrainian parliament. There was no new blood, no fresh thinking at the staff level. Staff holdovers, appointed by the former communist leaders of the Soviet Union before Ukraine received its independence in 1991, remained in place and served as a retarding influence on any internal effort to modernize the parliament or to pass reform legislation.

During the past 5 years, the intern program supported by this association has included more than 250 young Ukrainian university graduates, drawn especially from law schools or those departments specializing in economics politics and social issues. Interns have served not so much as interns as we know them in our Congress, but really as the staff of the parliament. They have drafted laws, they have provided research, they supported member of parliament needs and provided a bridge to western parliament processes and western analysis.

Few members of parliament speak or read western languages. It has been a requirement that each candidate be conversant in a key western language, particularly English. The activity of the interns has helped bring a greater sense of relevance to committee work and by assisting in raising the quality of work in the parliament, the parliament is in better position to play its role in the emerging Ukrainian democracy.

There is evidence of success. The number of young Ukrainians interested in applying for intern positions continues to soar as does the demand by Ukrainian members of parliament for interns to be assigned to their committees or their offices.

In the parliamentary year ending this summer, 65 interns have been involved in the program. Earlier interns who completed the program have found many excellent job opportunities. Some remain as parliamentary staffers, others have entered the executive branch, while some return to academia and a significant number seek to enter the growing private sector and business there in the Ukraine, the media, or think tanks. The group represents a veritable young leaders cadre, which is essential for the democratic development of Ukraine.

Later this year, our association intends to turn the direction of the program over to the local Ukrainian management to ensure its long-term viability. Two independent Ukrainian groups, one academic and the other, the Association of Ukrainian Deputies, have committed themselves to maintaining the high professional standards and the nonpartisan selection process.

The Ukrainian program has proved to be an excellent pilot and worth replication in other emerging democracies, particularly in the Central/East European and NIS areas. As my colleague, John Erlenborn, has described or will describe today, the Ukrainian model has been successfully replicated in Macedonia by this association.

This program initiative which supports emerging democratic parliaments focuses on personnel, one of the key weaknesses throughout the former communist region, but the key to having a successful developed democratic government. Changes at the top have not been followed by changes throughout the organizational structure in the country, whether in the executive, the legislative, or judicial branches. The idea of intern programs designed to bring new and energetic staffs to the region is an idea that should be followed in other countries. It is a great strength of our democracy and our government really that we have such a wide breadth of experience, and people that are involved in what they call civil society over there, and civic society.

The people have other interests. They bring other people into it. They teach others. And that is what this association has accomplished for the Ukraine. I believe that is what this association can accomplish continually throughout Eastern and Central Europe, where the assistance is needed so much and the involvement of the members of this association is needed so much. The Ukrainian program, this association believes, will be a lasting legacy and an example for what can be done in Eastern and Central Europe.

Mr. MCHUGH. Thank you, Dennis. Because of the success of our internship program in Ukraine, as has been mentioned, the National Democratic Institute for International Affairs, with funding from the Agency for International Development, asked the association to replicate this program in Macedonia. In September of last year, we sent John Hart, who was given leave from his responsibility as press Secretary to Representative TOM COBURN, to Macedonia for 6 months to establish a program for 65 interns to the Macedonian parliament, to initiate a research and analysis program, and to conduct public outreach.

Funds were also included to permit several former Members of Congress to travel to Macedonia to assist with this effort. One of those, as Dennis mentioned, was John Erlenborn. At this point, I would like to yield to the gentleman from Illinois to tell us about his participation in that program.

Mr. ERLENBORN. I thank the gentleman for yielding and request the gentleman assume the Chair during the course of my remarks.

Mr. Speaker, the scope of the activities of our association are not very well-known by the public. One of the important programs we have undertaken is providing help to emerging democracies, especially their parliaments.

In January of this year, I traveled to Skopje, Macedonia, to confer with members of the Macedonian parliament concerning the intern program that we have established for them. This program was patterned after the one that we had established and operated for several years in the Ukraine.

Under a subgrant from the National Democratic Institute, we chose a staffer from the Hill, and Matt has already identified him as John Hart, who worked in Macedonia selecting university students and recent graduates in

that country, training them to provide research and drafting services for the members of parliament who lack such resources.

A young Macedonian lawyer also was engaged to work with John in launching the project, with a view toward grooming her to manage the project when John returned to the United States, which he did about a month ago.

National elections delayed the full implementation of the intern project late last year. The interns were assigned to various party caucuses, but were not able to be fully utilized until after the elections.

By the time I arrived, interns and members have begun to work together, and I interviewed some members to obtain their impressions. As one would expect, members' use of the interns varied. Generally, however, they assigned information-gathering tasks to them so that members would have a better knowledge of the current issues and also be prepared to offer legislative solutions to perceived needs.

Every Member of parliament I spoke with was pleased with the work being done by their interns. Most of them expressed the belief that only with such resources would they be able to become independent of the executive branch which now drafts legislation and prepares the budget. The parliament typically has little time in which to consider these drafts, and thus has little or no input into the finally approved legislation.

The relationship of the executive and legislative branches reflects the reality of their respective roles under the government structure of the past. Little has changed since Macedonia was successful in a peaceful secession from Yugoslavia in 1992. At the present time, membership in the parliament is expected soon to become a full-time occupation. It is believed that then there will be a greater demand from within an independent legislature exercising its collective will in the enactment of legislation.

This transition from the old ways to democratic governments is a basic test of the success of the newly-emerging democracies. Similar problems are being faced by all of them with varying successes. I believe that the intern projects that we have initiated are necessary to help the legislatures transition to independent and meaningful roles if the voice of the people is to be heard, as it must in a democracy.

The U.S. Association of Former Members of Congress is uniquely qualified to provide these resources for the education of the legislators in the emerging democracies. Former Members have experience in State legislatures and the Congress. We cannot expect other countries just to adopt our ways, but we can help them identify the basic elements of a free representative government, sensitive to the traditions of their country.

In talking to some of these parliamentarians and telling them how our legislature operates, I always prefaced it by saying we have been working at this for more than 200 years, and we do not expect, number one, that you are going to be able to achieve the same kind of a legislative process too rapidly; and, secondly, it does not have to be exactly like ours. You choose your own, but it has to have some of the basic elements that any free democratic legislature must have.

I believe that each and every one of us having served our country in the past still have an urge to serve in some capacity. With our experience, we can help other countries move toward responsive, democratic governments. It would be a shame to waste the resource that we represent. I hope that we can have more programs such as those in Ukraine and Macedonia.

Mr. MCHUGH. Mr. Speaker, in December of 1996, the association sent a delegation of current and former Members to Cuba on a study mission to assess the situation there and analyze the effectiveness of U.S. policies toward Cuba. Upon its return, the delegation wrote a report of its findings, which were widely disseminated through the media and were made available to Members of Congress as well as to personnel in the executive branch.

A follow-up to this initial study mission was conducted in January of 1999. Again, the delegation wrote a detailed report of its findings and shared it through media and briefings with congressional leaders and representatives of the executive branch.

A final study mission to Cuba is scheduled to take place from May 29 this year to June 3. A delegation led by John Brademas of Indiana, and including Jack Buechner of Missouri, Larry LaRocco of Idaho and Fred Grandy of Iowa will meet with representatives of the Cuban government, dissidents and others to assess the current State of U.S.-Cuba relations. When they return, they will write a report of their findings and again share their conclusions with Members of the Congress, the media, the executive branch and others. Needless to say, it is a very timely mission with all that is going on these days in that relationship.

The association also organizes study tours for its Members and their spouses who, at their own expense, have participated in educational and cultural experiences in a wide variety of places, including Canada, China, Vietnam, Australia, New Zealand, the former Soviet Union, Western and Eastern Europe, the Middle East and South America. The most recent study tour took place in March of this year when association and auxiliary members, spouses, and friends visited Italy.

As most of my colleagues know, we have three former Members of Congress who now serve as ambassadors in Italy: Tom Foglietta, our Ambassador to Italy, Lindy Boggs, our Ambassador to the Holy See, and George McGovern, our Ambassador to the Food and Agriculture Organization.

The trip, as I understand it, was very successful, and at this point I would like to yield to the gentleman from New York, Gerry Solomon, to tell us about that study tour and the plans for next year.

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

Mr. SOLOMON. Thank you, Mr. President and former Members, Chaplain Ford, Speaker Jim Wright sitting over there, and certainly our leader, Bob Michel sitting over here. Let me be brief because we are running out of time reporting on the study tour this past March. And, Mr. Speaker, I hope you would not recognize Bob Walker to object to my request to revise and extend.

The study tour to Italy was a huge success, thanks to the outstanding advance planning and organization by our executive director, Linda Reed, sitting over here. The well-attended meetings with the Vatican, the Vatican think tank of Justice and Peace, and Ambassador Lindy Boggs, our former colleague, as Matt has mentioned, were extremely informative and extremely interesting, as was the meeting with Ambassador George McGovern at the Food and Agriculture Organization, and the meeting in Florence with the U.S. Consul General's office.

The entire Italy tour, made up of 64 members, spouses, friends, including 26 former Members, the largest ever, made visits to the Vatican Museum, St. Peter's Basilica, the Coliseum and the Forum in Rome, and equally interesting stops in Assisi and the romantic and beautiful city of Florence. Everyone enjoyed the entire program.

The discussions held with Ambassador McGovern, who incidentally sends his regards to all of you, as well as with other officials, including Catherine Bertini, which many of you know, were extremely helpful in explaining the work of the Food and Agriculture Organization that many of you on both sides of the aisle have participated in and have helped in a badly needed area.

Finally, several Members stated their desire at the organization to consider a Study Group tour to two of our NATO allies early next year, perhaps, Turkey and Greece. We have that request under consideration. And there have been other requests now coming in, filling in on the reports given by our President Matt McHugh, Ben Erdreich, John Erlenborn and others, concerning the very, very serious need to help these former Soviet bloc countries in the Baltics, in the Caucasus, in Central Asia, in the Balkans. Their very future depends on the success of their parliaments. These countries have never known democracy in their whole history, and in the last 10 years they have struggled.

Much of the help that we have already given is really paying off, as Ben Erdreich has mentioned, and we hope that we may be able to arrange some

study tours there in this part of the world in order to perhaps undertake a ''Peace Corps of Former Members'' who could give their old sage, badly needed advice to many of these parliamentarians, many of whom are very young and have had no experience whatsoever and really need our help.

So these are things we have under consideration. We would certainly appreciate any feedback that you might have, and I thank the President and the Speaker.

Mr. MCHUGH. Thank you, Gerry. Those of us who put this program together sometimes worry that the annual report will be overly long and dry, and we apologize if it is. But I think it is important that get a sense of the wide variety of programs that we run as an association so that you can participate in those and so that others will be aware of what we are trying to do to help.

All of this, of course, requires financial support. And at the present time, we get our financial support primarily from three sources. Our membership dues, and we thank all of you for paying those this year; also from our program grants from foundations and others that support the individual programs that we have described; and from an annual fund-raising dinner that has become a very important part of our financial base.

As many of you know, on February 22 of this year, we held our Third Annual Statesmanship Award Dinner, at which our friend and colleague, Lynn Martin, was honored. We presented Lynn with the Statesmanship Award in recognition of her service as a Member of Congress, as Secretary of Labor, and as a leader in many other community activities.

I want to acknowledge and thank at this point Lou Frey, our friend and colleague from Florida, who, once again, chaired the dinner. He had a great deal of help, but he led the effort and we are grateful to him and we thank him again for agreeing to do that next year as well.

I would also like to recognize at this point Larry LaRocco from Idaho who, among other things, was one of our entertaining and talented auctioneers at the auction which we hold in conjunction this annual dinner.

Mr. LAROCCO. Thank you, Mr. President, I appreciate you yielding to me. I will give you a short report on the dinner. As treasurer, one has to assume many roles and being auctioneer happened to be one of them.

Since 1998, the U.S. Association of Former Members of Congress has instituted an Annual Statesmanship Award Dinner and Auction to honor a former Member of Congress and raise funds to defray the costs of implementing the Congress to Campus program. Each year approximately 400 people, including sitting Members of the House and Senate, attend this outstanding event.

This dinner is a wonderful opportunity to honor a colleague, visit with friends, and raise money for a good purpose. The auction has two components, a silent and live auction of political memorabilia of significant historical value, and Jimmy Hayes has played a major role in collecting this memorabilia for us.

The spirit of this dinner is most important, because it is noted for its blatant display of bipartisanship, comity and commitment to public service by each former Member of Congress. It is an evening filled with mutual respect and gratitude for the opportunity to serve our Nation and its legislative bodies.

One of our colleagues is honored at this dinner for his or her outstanding work in Congress and after leaving public service. And as our President has just described and reported, our good friend and colleague, Lynn Martin, was honored this year.

The association made note of Lynn Martin's achievements and contributions through her commitment to fair workplace standards capped by her service as Secretary of Labor. Our first Statesmanship Award Dinner in 1998 honored Secretary of Agriculture Dan Glickman and the 1999 dinner paid tribute to the work of our distinguished colleague, Lee Hamilton, who now heads the Woodrow Wilson International Center for Scholars.

Our former President and board member, Lou Frey, shared his vision and possessed the skills to organize the first dinner, and has acted as the chairman for each subsequent dinner. He brings an incredible amount of energy and organizational talent into building a successful event for the association.

I encourage each member to support this dinner as you have in the past. As Matt has mentioned, we only have a couple of sources of funding for our programs and this is a major source. And besides the dues that we all pay, this provides the funds for our unrestricted activities, and last year we netted about $70,000 for this dinner and we hope to be on a good glide path to raise even more. I encourage to you come. We have invited each sitting Member of the House and the Senate to join us and we enjoy their participation and their presence at the dinner.

I have never invited anybody to this dinner that has not come back and told me that it is one of the most outstanding evenings that they have ever spent in Washington, D.C., to see former Members come together in the spirit of bipartisanship, enjoying each other's company, regaling each other with stories and smiling and feeling very proud of their service in this legislative body.

Mr. MCHUGH. Thank you very much, Larry. Mr. Speaker, in addition to the financial support which we have referred to, the association benefits tremendously from the effort and leadership of many people. I want to just expressly thank the officers of the association with whom I have had the privilege to serve: John Erlenborn, Larry LaRocco, Jack Buechner, Lou Frey and others, the members of our board of directors and our counselors, for providing the excellent guidance and support necessary to make all of these activities we have described possible.

In addition, we are assisted by the auxiliary of the association which is now led by Nancy Beuchner, Jack's wife. It goes without saying, I am sure, that none of these programs could be effectively run without the staff of our association: Linda Reed, our executive director; Peter Weichlein, our program director, who has special responsibility for the Congressional Study Group on Germany; Katrinka Stringfield, our administrative assistant; Victor Kytasty, who runs our Congressional Fellow program in Ukraine; and Walt Raymond, a senior advisor for our international programs. We are really very grateful to each and every one of them for the help that they give us on a day-to-day basis.

The association also maintains close relations with counterpart associations of former Members of parliament in other countries. And we are very pleased that we have two representatives of those other parliament's former Members associations with us here today. I am pleased to recognize and welcome Barry Turner, the President of the Canadian Association of Former Members of Parliament, and George Ehrnrooth from the Association of Former Members of Parliament in Finland, who are with us today and who have been with us on many occasions in the past as well.

I also want to mention an invitation we have received from the Association of Former Members of Parliament of Australia for our members and their partners to be guests at a reception being held in Sydney on Tuesday, September 26, 2000, which is during the 21st Olympiad, which is being held in Australia this year. Unfortunately, we cannot pay your way to go to that, but if by chance you are going to the Olympics in Australia, I know that you would enjoy the camaraderie of that reception, which is hosted by the Former Members of Parliament in Australia. If you need more details on that, please talk with Linda about that.

Mr. Speaker, it is now my sad obligation to inform the House of those persons who have served in Congress and have passed away since our last report last year. The deceased Members of Congress are the following:

Carl B. Albert of Oklahoma;
Laurie C. Battle of Alabama;
Gary Brown of Michigan;
George E. Brown, Jr. of California;
John H. Chafee of Rhode Island;
Carl Thomas Curtis of Nebraska;
David W. Dennis of Indiana;
Bernard J. Dwyer of New Jersey;
Floyd K. Haskell of Colorado;
Henry Helstoski of New Jersey;
Byron L. Johnson of Colorado;
Ed Jones of Tennessee;

Robert H. Mollohan of West Virginia;
James C. Murray of Illinois;
Richard B. Ray of Georgia;
Hardie Scott of Pennsylvania;
Abner W. Sibal of Connecticut;
Fred Wampler of Indiana;
Charles Wiggens of California;
Bob Wilson of California.

I would respectfully ask all of you at this point to stand for just a moment of silence in memory of our colleagues.

Thank you very much.

Mr. Speaker, as you know, we now reach what I think is one of the real highlights of our festivities during the annual meeting, and that is the presentation of our Distinguished Service Award.

We present this each year to a distinguished and outstanding public servant. The award normally rotates between the two parties, as do the officers of the association. Last year, the award was presented to a Democrat, our distinguished former Speaker, Jim Wright, who as others have mentioned, is here with us again today and we are deeply grateful that he is able to be with us, along with his wife, Betty.

This year, we are being totally nonpartisan and we are extremely pleased to be honoring a man who has been a very special friend and counselor to many of us, former House Chaplain, James David Ford.

Before serving as House chaplain, Jim had a very distinguished career with which many of you are quite familiar. After graduating from Gustavus Adolphus College in Minnesota, receiving a Master of Divinity from Augustana Seminary in Illinois, and attending graduate school at Heidelberg University in Germany, Jim served 1958 from 1961 as pastor of the Lutheran Church in Ivanhoe, Minnesota. From 1961 to 1965, he was the assistant chaplain at the U.S. Military Academy in West Point, New York. And at the tender age of 33, he was appointed by President Johnson as the senior chaplain at the Military Academy, where he was appointed three times more and served in that position from 1965 until 1979, during which he counseled the corps of cadets not only at West Point, but also our active duty personnel in Vietnam.

On January 17, 1979, Jim was elected chaplain of the House of Representatives and was reelected to that post every 2 years until his retirement this year.

As you know, he has received countless awards and honorary degrees in recognition of his outstanding service to this institution.

Jim Ford's devotion, exceptional counseling skills, and marvelous sense of humor have sustained many of us throughout the years. However, in addition to these qualities, Jim has many other talents, some rather unusual and extraordinary. In the spring of 1976, for example, he was captain of a 31-foot sailboat called the Yankee Doodle, which, with two crewmen, sailed from Plymouth, England, to West Point, New York. This Bicentennial adventure lasted 52 days at sea and covered 5,920 miles.

Jim has appeared on the NBC ''Today'' Show, giving exhibitions of trick skiing and ski jumping. He also appeared on the CBS show ''I've Got a Secret,'' and some of us old-timers can remember that show. His secret was: ''Can perform a backwards ski jump.'' Not many of us can do that. Maybe some of you have seen the picture of him actually doing it. Jim also pilots an ultralight airplane in the Virginia foothills and is currently planning to sail across the Atlantic alone. So his talents are numerous.

Jim, why don't you come up, if you would, please. He asked, does he get to talk. He cannot wait.

Jim, there are two gifts that we present to you as a symbolic gesture of our great affection and one of them is a plaque. I do not know how many plaques you have, but this is a very nice attractive one. I hope you like it. Let me read to you what the plaque says, and I quote:

His parishioners were politicians all. His parish was the gilded hall where the soul of freedom dwells. To the Reverend James David Ford, Chaplain of the U.S. House of Representatives, 1979 to 2000. The U.S. Association of Former Members of Congress thanks you for your dedicated pastoral services to the People's House and its men and women. You have provided counsel and comfort to our cadets at West Point, our soldiers in Vietnam, and our Representatives in the United States Congress. You will be missed. Sail on. Washington, D.C., May 17, 2000.

We also have a scrapbook, Jim, of letters from your many friends here, and colleagues, extending congratulations and affection to you for this award and, of course, for your great service. And so we want to present this to you now as well.

And now it is my great privilege to present to you Reverend Jim Ford.

Dr. FORD. Thank you very much for this award. I am honored and delighted to be here. My family are here too.

There are some who say that I get this award as an attempt to keep me quiet and not write my book, which I of course will never do. I follow Martin Luther's remarks in the 16th century when he said, ''There are just too many books being written.''

I would like to introduce my successor over here Chaplain Coughlin. Stand up, Chaplain. The new chaplain.

Matt mentioned the things that I have done. One of the things you probably will not believe is he said I went off a ski jump backwards. In Minnesota, that is what we did. In Minnesota, we had nine months of winter and three months of poor sledding, and many of us were ski jumpers. I did go out one day and they bet me I could not go off. We did single jumps, double jumps, triple jumps. They bet me that I could not go off backwards and I did.

I was on the show, ''I've Got a Secret,'' and that was my secret and they could not guess it. And when it was announced that I had gone off the ski jump backwards, Henry Morgan raised his hand and said, ''Chaplain, I want to ask you a question. Is this when you first began to believe in God?''

And, Chaplain Coughlin, I want you to know something. When you hear that story about the chaplain praying, it is a Senate joke. The Senate Chaplain went out to pray for the Members, took one look at them and decided to pray for America. That is a Senate story, Chaplain, not our side.

You know, I started out in Lake Wobegon country, Minnesota. Garrison Keillor country. A town of 700. I was a country pastor, started out where my father and grandfather had started as pastors, within 50 miles. And I never thought I would inherit the title of chaplain. I went to West Point in 1961, in my 20s, and met General Eisenhower who came to church one Sunday. Omar Bradley, I discussed D-Day with him.

I knew MacArthur. In fact, I was there when MacArthur gave a famous speech. He gave one here, but he gave a more famous one called ''Duty, Honor, Country'' at West Point in the early 1960s. All he had on the podium was a crumpled piece of paper. He said he worked on that speech for 40 years, and his little piece of paper only said the word, ''doorman.'' He began his speech this way. He said, ''As I left the Waldorf this morning, the doorman said to me, 'General, where are you going today?' And MacArthur replied, 'I'm going to West Point.' And the doorman said, 'Nice place. Have you been there before?' ''

But over the years, I got to know these men, Schwarzkopf, whom you know as a general, I remember as a captain and the meanest player in the noontime basketball league. Wes Clark, who just retired as NATO Commander, was one of my cadets. Barry McCaffrey, that you are going to hear at lunch, was one of my cadets. I am particularly proud that Senator JACK REED, used to serve in the House, now in the Senate, was one of my cadets at West Point, Class of 1971. And presently JOHN SHIMKUS from Illinois who serves in this body was also one of my cadets.

I must tell you, even though it is late, of an important dream that I had last night. Of course, a chaplain is ecumenical and bipartisan. But I had a dream last night that Army was playing Navy in Philadelphia in football. And the two teams were going back and forth and neither team could score. And just before the end of the first half, a jet airplane flew over the stadium and let out a sonic boom, which the Army team took to be the gun ending the first half, so the Army team ran off the field. Three plays later, Navy scored. On a field goal.

I came here after that 18 years going through the war as chaplain in 1979. As you know, I always wore the clerical collar. Tip O'Neill called me ''Monsignor.'' He thought I was an Irish priest from South Boston. He had a committee. I mentioned their names,

George Mahon, the Chairman; John Rhodes, the Republican Leader, and Jim Wright, who is with us today on the Democratic side. The committee, we met in that office right over there. Now I know how important it is to have an office right off the floor.

They asked me this question: What do you think about religion and politics? And leaping into my mind was a quote that the Governor of Minnesota had used in a chapel talk many years before, quoting Martin Luther, and I gave in answer to them, I said, ''As Martin Luther said in 1530, quote: Send your good men into the ministry, but send your best into politics. Because in the ministry it all depends on the spirit, but in politics you have shades of gray, ambiguities, and you need the finest people.'' Of course, after that self-serving comment, they hired me on the spot. But I also believe it. I grew up that way, and I believe it.

When I left this place, I wrote a letter to the Members and I said that my feelings about Congress were strong when I came, and they are strengthened now that I leave. Religion points to the goals of life, politics tells us how to get there. We can agree on justice and peace, or faith, hope, and love. Call it what you will. But in politics, we have the give and take of argument and debate as to the how of achieving our goals.

I remember as a young man in the 1950s, I went to the Soviet Union and I visited the legislature and it was quiet. And in the 1960s, I went to the East German legislature and it was quiet. Democracy is noisy. I like the noise. I have been with the noise here for 21 years. It is a part of the gift of democracy.

Concluding, in my 21 years here, I counted up I have been here for about 35 joint meetings. And as you know, it is a joint session when the President comes; it is a joint meeting when the Heads of State come. And during this time, in these 35 speeches that I heard, I do not think one of them has lived under one constitution for 200 years. We are a young Nation with a very old and mature Constitution.

I heard Vaclav Havel speak here from Czechoslovakia. Remember, he got up and said ''I am just a playwright. What do I know? There is no school to be President.'' And we celebrated democracy with him.

Lech Walesa of Poland got up, and he said, ''I am an electrician. If the lights go out tonight, I can fix them. But now I am leading a country.'' Or Nelson Mandela, 27 years in prison who stood up here and spoke about reconciliation.

It has been a pride to serve as your chaplain for these many years, for politics is a noble vocation, a noble opportunity and calling. I have observed your debates. I have listened to your private concerns. I have encouraged you in your service. I have celebrated with you the joys of democracy.

When you think of your service as former Members in this Congress, I say to you stand tall and be proud, because your politics has been a noble vocation. Thank you.

Mr. MCHUGH. On behalf of all of us, Jim, we thank you again for your friendship and your warmth and your great service to this institution and to us.

We also welcome and wish our best to the new chaplain, who I am sure will serve with equal distinction.

Mr. Speaker, the Members of the association were honored and proud to serve in the U.S. Congress and in a way we are continuing our service to the Nation in other ways now, but hopefully ones that are equally as effective. Again, we thank you for letting us make this annual report, and this concludes our session for today, and we again invite all of the Members to the next panel at 10:30 on the China-U.S. relations. Thank you very much.

The SPEAKER pro tempore. The Chair again wishes to thank the former Members of the House for their presence here today. Before terminating these proceedings, the Chair would like to invite those former Members who did not respond when the roll was called to give their names to the reading clerks for inclusion in the roll.

The Chair wishes to thank the former Members of Congress for their response here today. Good luck to all of you.

The Chair announces that the House will reconvene at 10:45 a.m.

Accordingly (at 10 o'clock and 26 minutes a.m.) the House continued in recess.

□ 1045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOEHNER) at 10 o'clock and 45 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. BOEHNER. The Chair will entertain 15 one-minute requests on each side this morning.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

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

There was no objection.

GOP WORKING TO MAKE NEEDED PRESCRIPTION DRUGS AVAILABLE AND AFFORDABLE TO ALL

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

Mr. WATTS of Oklahoma. Mr. Speaker, America is the most prosperous nation on earth, yet some seniors here are forced to choose between putting food on their table and the prescription drugs they need to lead healthy and productive lives. That is just not right.

Republicans are working to make sure that is a choice seniors no longer have to make. While I share the goal of President Clinton and Democrats in Congress, their proposal may endanger existing drug coverage that some seniors already have. It could give the Federal Government too heavy a hand in controlling drug benefits and deny seniors the right to select the coverage that best fits their respective needs.

Republicans have a voluntary plan to make prescription drug coverage affordable and available to America's seniors. Republicans are working to protect seniors from runaway drug costs so that their retirement remains secure and they have greater peace of mind. That is a brighter future for every single American.

VOTE AGAINST PNTR FOR CHINA

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

Mr. KUCINICH. Mr. Speaker, if you were told that the Yankees scored six runs in a ball game, would you conclude the Yankees won? Of course not. You need to know how many runs the Yankees' opponent scored in the game to know if they won, especially if they played against our Cleveland team.

Whether it is baseball or trade, people need to know the score. In this case, between the U.S. and China, the U.S. has a trade deficit with China of about $70 billion. So we are losing the game with China. The rising trade deficit is unlucky for the United States and our workers. But the bill number for PNTR for China is H.R. 4444, and four is a very unlucky number. Ask the Chinese. And the Chinese workers are unlucky already because some get only three cents an hour pay for their work.

This bill is bad luck for the United States, and it is bad luck for China. Vote against PNTR.

PRESCRIPTION DRUG COVERAGE FOR SENIORS

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

Mr. PITTS. Mr. Speaker, not long ago, news anchor Tom Brokaw wrote a book in which he called today's seniors the greatest generation. After all, it was today's seniors who saw this country through the Depression and fought to save the world from Nazi aggression.

Mr. Speaker, no American and no senior, those who have served this country so well for so many years,

should ever have to choose between putting food on the table and taking the medicine their doctor has prescribed. But today's advanced medications are expensive.

The Republicans in the House have a plan to modernize Medicare by adding a prescription drug plan. This plan is fair, sensible and necessary. Under this plan, seniors will be able to choose the coverage that best suits their needs. It will protect seniors from high out-of-pocket costs and be completely voluntary. The President and the minority party in Congress owe it to our seniors to stop the politics of fear and to support this bill.

FOOD OR MEDICINE?

(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, after a lifetime of hard work, our senior citizens should be able to enjoy their golden years. But unfortunately, instead of enjoying their retirement, the rising cost of prescription drugs forces many seniors to choose between putting food on the table or buying lifesaving medications. Forcing seniors into this type of decision is wrong and it must stop.

The Republicans have brought forward a responsible, common sense prescription drug plan that provides our seniors access to affordable prescription drugs. Under the Republican proposal, seniors will have the power to choose prescription drug plans that best fit their needs instead of being forced into the Democrats' inefficient, dangerous, big-government, price control scheme. The Republican plan assures that no senior citizen or disabled American will have to choose between food and medicine again.

Mr. Speaker, I yield back the administration's dangerous one-size-fits-all, government-dictated drug scheme which fails to meet the needs of our seniors.

WHO IS LYING ABOUT WACO?

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

Mr. TRAFICANT. Mr. Speaker, who is lying about Waco? Scientist Carl Ghigliotti said the FBI lied, that they did fire automatic weapons into the burning building. But Vector Data Systems of England said the FBI did not lie. Two scientific groups totally disagree.

But something stinks. Vector gets hundreds of millions of dollars in contracts from the FBI. Carl Ghigliotti was just found dead. To boot, FBI audio tapes of the burning building are now lost. To boot, FBI autopsy reports confiscated of victims are now missing.

Beam me up, Mr. Speaker. This is not a Justice Department. This is a cover-up. We need an investigation. Congress should pass H.R. 4105 and put some oversight on what is developing into a police state in America.

VOTE NO ON PNTR

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

Mr. HEFLEY. Mr. Speaker, every year for the last 30 years we have granted China most-favored-nation status. The presidencies of Reagan, Bush and Clinton have all stated that most-favored-nation status will open China to freedom and democracy. Let us look at the scorecard a little bit regarding this strategy.

We gave most-favored-nation status and they continue their policy of population planning with forced abortion. We gave most-favored-nation status and they continue not to tolerate any dissent of any kind. The imprisonments, the torture and the killings go on. We gave most-favored-nation status and they continue to try to stamp out religion that is not state-supported religion. We gave most-favored-nation status and they made plans to invade Taiwan. We gave most-favored-nation status to them and they have the biggest buildup of nuclear missile development of any country on the face of the earth. We gave most-favored-nation status and they continue to occupy Tibet. We gave most-favored-nation status and they pour money into American elections.

Are we nuts? Can we not learn? America sometimes has the reputation of being willing to do anything for a buck. On this vote, we are set to prove that that is true.

CONGRESSIONAL MEDAL OF HONOR AMENDMENT

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

Mr. BACA. Mr. Speaker, I am offering an amendment to the defense authorization bill that will bring honor and distinction to America's most highly decorated veterans. As a veteran myself who served in the 101st Airborne Division and 82nd Airborne Division, I was surprised to learn that the Congressional Medal of Honor awarded to our veterans as this Nation's highest honor for their heroic efforts is made primarily of brass.

Congress awards its own gold medal to distinguished Americans, and this medal costs as much as $30,000 and is made of solid gold. My amendment would replace the brass in the Congressional Medal of Honor we award to America's brave Americans with gold.

I do not think it is too much of a price to pay for our most heroic Americans. It would only cost about $2,000 per medal. Many of the recipients of the Medal of Honor already paid the ultimate price for our Nation and for our freedoms and liberty. We need to remember our veterans and think about them every day.

There are more than 25 million veterans in the United States. There are more than 3 million veterans in California. That is why I am holding a veterans' fair on Saturday recognizing veterans.

Today, I invite my colleagues who honor and respect America's veterans to join me in supporting my amendment for a more fitting Medal of Honor to individuals.

VETERANS GROUPS OPPOSE PNTR

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

Mr. WOLF. Mr. Speaker, almost every day a new veterans group comes out against PNTR. The Military Order of the Purple Heart, chartered by Congress, said yesterday:

''Speaking as patriots and combat wounded veterans, we believe that granting PNTR status to China would relieve them from the current pressure caused by annual congressional review of their trade status.

''Today China represents the most dangerous of the emerging threats to U.S. national security.''

It goes on to say, ''Many of America's combat wounded veterans sacrificed life and blood to repel Chinese aggression during the Korean conflict. Fifty years after that war, China remains an unabashedly communistic regime. It is time for China to change if she wishes to be a truly welcomed participant on the world's stage. It is also time for Congress and the administration to reflect upon the sacrifices of its combat wounded veterans and ensure that China will not once again become our enemy. In the view of the Military Order of the Purple Heart, this objective must be reached before PNTR status should be granted to China.''

PRESCRIPTION DRUG COVERAGE FOR SENIORS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, seniors deserve prescription drug coverage and Republicans have a plan to provide it for them. Last week, the Committee on Ways and Means Subcommittee on Health had a hearing on the President's prescription drug plan.

As a member of the committee, I was pleased to learn there are several ways where we can agree. But history must not repeat itself. This issue must not be used in this election to scare our seniors. Scare tactics serve no purpose and do not help one senior get the drugs they need.

Republicans are ready to roll up our sleeves and give seniors a choice in their Medicare prescription drug coverage. I welcome my Democrat colleagues and the President to join us in this important effort.

□ 1100

ALL SENIORS SHOULD HAVE A PRESCRIPTION DRUG BENEFIT

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

Ms. DELAURO. Mr. Speaker, our seniors are facing skyrocketing prices for their prescription drugs. They are scared. For millions of seniors, a prescription drug benefit is the difference between getting the medicine they need for their health and what they need to do in order to pay mortgages, what they need to pay rent, what they need to do to pay for food. That is what the decisions are that our seniors are making today. They are forced to choose between purchasing that medication and buying groceries.

The problem with prescription drug coverage does not just affect one group of seniors. The Republican plan for prescription drugs is to focus on low income seniors, not all seniors. What we need to do is to cover all seniors with a prescription drug benefit. Prices are skyrocketing out of control. According to a recent study by Families USA, the price of the 50 prescription drugs most frequently used by seniors rose by twice the rate of inflation in 1999.

Between 1993 and 1998, the price of the average prescription rose 40 percent. The situation imperils our seniors. Let us make sure that all of our seniors are covered for prescription drug coverage.

INTERNATIONAL ABDUCTIONS MUST BE STOPPED

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

Mr. LAMPSON. Mr. Speaker, I rise today to tell my colleagues the story of Sam Ali Tabaja, just one of the 10,000 American children who have been abducted to foreign countries. Sam was taken to Lebanon by his father Ali Ibrahim Tabaja in August of 1997. Sam was 3 years old at the time of his abduction.

Sam's mother was awarded custody of him and allowed his father to visit him frequently. A warrant for international parental kidnapping was issued for the father. However, Ali Ibrahim Tabaja has a large circle of friends and relatives in Lebanon who have helped to protect him. Sam's mother, Zohra Tabaja, has traveled to Lebanon and was allowed to visit with her son for half an hour. During the visit, she was surrounded by bodyguards. Zohra has been informed that she will never see Sam again, and she has heard nothing since her visit.

The problem of international child abduction is a disgrace. We should be displaying the same amount of outrage for American children that we did for Elian Gonzalez. I urge my colleagues to support the efforts to bring American children back to America, their home and their rightful place. Bring H. Con. Res. 293 to the floor and bring our children home.

IRANIAN JEWS

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

Mr. DEUTSCH. Mr. Speaker, I rise today to once again bring notice to this Congress of 13 Jews who are accused of spying in Iran, who have been imprisoned for over a year without formally being charged.

Jews have been living in Iran for 2,700 years, the oldest Jewish Diaspora community and the biggest in the Middle East after Israel.

At least 17 Jews have been executed in Iran since 1979, most of whom were accused of spying for Israel and the United States.

These Jews who have been held have had their due process violated, even under Iranian law. Thirteen Jews have been denied the right to choose their own lawyers. Ten of the defendants imprisoned for over a year without legal representation had lawyers chosen for them by the court, after the court rejected the lawyers picked by the defendants' families. Three of the 13 have been released on bail but none of the others were allowed to consult attorneys until hours before the trial opened.

Since that time, the lawyers have only had brief periods with their clients and only the most limited contact with their court-appointed attorneys. There has been a closed trial. No members of the Jewish community diplomats or human rights activists were permitted in the courtroom by order of the judge. The trial comes amid a power struggle between President Khatami and the hardliners opposed to his social and political reforms. This is about hardliners' opposition rather than the actual action of the defendants.

PROVIDING FOR CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 503

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution or specified by a subsequent order of the House, amendments en bloc described in section 3 of this resolution, and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(c) Except as specified in section 5 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first

in any series of questions shall be 15 minutes.

SEC. 5. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 6. After disposition of the amendments printed in the report of the Committee on Rules, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore (Mr. BOEHNER). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes 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, yesterday the Committee on Rules met and granted a structured rule for H.R. 4205, the Fiscal Year 2001 Department of Defense Authorization Act. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill. It makes in order as an original bill for the purpose of amendment the Committee on Armed Services amendment in the nature of a substitute now printed in the bill.

The rule also waives all points of order against the amendment in the nature of a substitute.

The rule provides that no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the Committee on Rules report accompanying the resolution or specified by a subsequent order of the House, amendments en bloc described in section 3 of this resolution, and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

The rule provides that except as specified in section 5 of the resolution, each amendment printed in the report shall be considered only in the order printed in the report; may be offered only by a Member designated in the report; shall be considered as read and shall not be subject to a demand for division of the question in the House or the Committee of the Whole.

The rule provides that unless otherwise specified in the report, each amendment printed shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of debate on any pending amendment.

The rule waives all points of order against the amendments printed in the report or amendments en bloc described in section 3 of the resolution.

The rule provides that it shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendment, which shall be considered as read, except that modifications shall be reported, shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees and shall not be subject to amendment; shall not be subject to a demand for a division of the question in the House or the Committee of the Whole.

The rule provides that for the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The rule provides that an original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question, if the vote follows a 15-minute vote.

The rule allows the Chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Finally, the rule provides that after disposition of the amendments printed in the report, the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

H.R. 4205 is a good bill. For several years, this body cut our military's budget while the administration deployed troops all over the globe. It was not fair to our men and women in uniform and it was not fair to hard working Americans who count on the military for their protection.

Well, those days are over. Now we are taking care of our national defense. We are getting our military families off food stamps by providing a 3.7 percent pay raise and we are helping them retire by creating an armed forces thrift savings plan. We are providing resources to improve military housing. For years our military personnel have been living in substandard housing.

□ 1115

We are giving our leaders the tools they need to get the job done in the field of battle, including five new submarines, up to 15 destroyers, additional Black Hawk helicopters, and Bradley fighting vehicles.

We need this bill, Mr. Speaker. For far too long we have shortchanged our military at the expense of our Nation's security.

This rule provides for a fair debate on the bill. The Committee on Rules received 102 amendments to H.R. 4205. With this rule, we will debate more than one-third of them, 35 amendments in all. But this is only the first step. Later the Committee on Rules will meet to grant a second rule for H.R. 4205.

All of the amendments which are not made in order under this rule are still in play. We simply decided that it was wise to get started this morning, and with 35 amendments to debate today, it is a healthy start.

I urge my colleagues to support this rule and to support the underlying bill, because now more than ever we must provide for our national security.

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

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

Mr. Speaker, H.R. 4205, the National Defense Authorization Act for fiscal year 2001, was reported from the Committee on Armed Services on a strong bipartisan vote of 56 to 1. The vote reflects the understanding of Democrats and Republicans for the need to ensure that our national defense continues to be second to none.

This bill reflects the commitment of Democrats and Republicans to achieving a level of readiness throughout the military that will protect this Nation and our commitment to democracy and the rule of law throughout the world.

Therefore, Mr. Speaker, I rise in support of H.R. 4205, the National Defense Authorization Act for fiscal year 2001.

Mr. Speaker, during the report recess, I had the opportunity to see firsthand the dedication of the men and women who serve our country in uniform, often under the most trying circumstances. Along with some of my colleagues from the Texas delegation, I traveled to Bosnia to visit with National Guard troops from Texas and to see how our regular forces are faring in the tense and hazardous duty stations in Kosovo.

Many of the Members of this body have made the same kind of trip, and I am sure that every Member has come away with similar impressions of our men and women in uniform and their dedication to duty.

Mr. Speaker, the Congress has as one of its primary duties to provide for the national defense and the men and women who protect it. This bipartisan bill does a great deal to improve military readiness and to improve the quality of life for our men and women in uniform, as well as for their families.

Mr. Speaker, I am particularly pleased that this bill contains several provisions to improve the quality of

life of our military personnel. The bill provides for a 3.7 percent military pay raise, reduces out-of-pocket housing costs, which will particularly benefit the enlisted ranks, and provides a targeted subsistence benefit for those personnel who are most in need.

H.R. 4205 also makes significant improvements in military health care, and authorizes the creation of a Thrift Savings Plan for military personnel which will help them plan for their retirement needs.

The bill also provides $857 million for construction and improvement of military family housing, and an additional $605 million for construction of new barracks and dormitories. There are funds for child development centers, DOD dependent schools and impact aid, and commissary modernization, all important to quality of life improvements for uniformed personnel and their families. I congratulate the committee for their work on these issues.

I am also pleased that the committee has continued its commitment to the wide range of weapons programs that ensure our military's superiority throughout the world.

The bill includes $1.4 million for research and development for the F–22 Raptor, the next-generation air dominance fighter for the Air Force, as well as $2.1 billion for 10 low-rate initial production aircraft, and $396 million for advanced procurement of 16 LRIP aircraft in fiscal year 2002.

H.R. 4205 also includes $51.7 million for the procurement of three F–16C aircraft, and $1.1 billion for the procurement of 16 MV–22 aircraft, and $142.7 million to accelerate development of the CV–22 Special Operations Variant.

These aircraft are all important components in our national arsenal, and moving forward on their production sends a clear signal that the United States has no intention of relinquishing our air superiority.

Mr. Speaker, while the Committee on Armed Services has reported a truly bipartisan effort, I should note that 101 amendments to the bill were filed with the Committee on Rules. This rule makes in order 36 of those amendments, and provides that an additional rule providing for the consideration of further amendments to the bill will be considered before the House votes on final passage later this week.

Mr. Speaker, while it is not unusual for the Committee on Rules to report more than one rule providing for the consideration of amendments to the Department of Defense authorization, in the past the Committee on Rules pursued this course in order to ensure that a full and fair debate on the issues of the day would follow.

The rule now under consideration will certainly allow the House to debate the issue of the continued presence of U.S. ground forces in Kosovo, an issue on which there is a genuine split of opinion in this body.

While I do not agree with the amendment to be offered by the gentleman from Ohio (Mr. KASICH), I cannot object to the House having the opportunity to debate the issue.

While I disagree with the amendment to be offered by the gentleman from Massachusetts (Mr. FRANK), which seeks to cut 1 percent of funding in the bill, I certainly believe that this is an issue worthy of debate in this body. The other 34 amendments made in order in this rule are also certainly deserving of consideration of the House.

So far so good, Mr. Speaker. What concerns me is the fact that there are several major amendments that have not been included in this rule and may not be included in the second rule to be acted on later. Mr. Speaker, one can only hope that when the Committee on Rules meets later today to report the second rule for H.R. 4205, the Republican majority on the Committee on Rules will allow these issues to be fairly aired and considered by the House.

Let us take, for example, Mr. Speaker, the issue of health care for military retirees. Members will be hearing from the gentleman from Mississippi (Mr. TAYLOR) on this issue shortly. The ranking member of the Committee on Armed Services has called this the year of health care, and the bill does indeed make substantive improvements in the way health care is delivered for active duty military personnel and their dependents. These improvements are long overdue, and the committee is to be congratulated for taking these positive steps.

But Mr. Speaker, the bill is seriously deficient on the issue of health care for Medicare-eligible retirees. Mr. Speaker, I have serious concern that the two thoughtful amendments addressing this issue, that is, the issue of health care for Medicare-eligible retirees, might not be made in order when the committee meets this afternoon. One proposal by the gentleman from Mississippi (Mr. TAYLOR) would expand and make permanent the TRICARE Senior Prime demonstration, more commonly known as Medicare subvention.

The other offered by the gentleman from Mississippi (Mr. SHOWS) would give all military retirees the option of participating in FEHB, or remaining in TRICARE after they become Medicare-eligible.

I have a serious concern that the only reason the House will be denied the opportunity to debate either of these amendments presented to the Committee on Rules will be for purely partisan political reasons.

Let us also take the issue of the island of Vieques in Puerto Rico. The committee bill has chosen to ignore an agreement negotiated between the President of the United States and the Governor of Puerto Rico about the future of this island as a training facility for the Navy and Marine Corps, and has instead adopted language that directly contravenes this agreement.

I remain hopeful that when the Committee on Rules meets later this day, the Republican majority will see fit to allow the ranking member of the committee the opportunity to offer an amendment which will strike the committee language and insert language which will allow the President's negotiated position to go forward.

In the interests of fairness to the people of Puerto Rico, I would hope that the Skelton amendment will be part of the second rule. The only reason to not allow his amendment to be considered would again be for purely partisan reasons. I would hope that this truly bipartisan bill will not be marred by such action.

Mr. Speaker, I strongly support the committee bill, but I do believe the House should be given the opportunity to address the issues I have just mentioned, as well as a number of other issues that have been raised in the 101 amendments submitted to the Committee on Rules.

The bill is one of fundamental importance to our great country, and the policies and programs that are contained within it certainly are worthy of extensive debate. Mr. Speaker, I support this rule, but I hope that the bipartisan approach to the committee bill will be extended to the second rule providing for its consideration. To do less is a disservice to this House and to our military.

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

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON).

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

Mr. Speaker, I rise in strong support of this rule and for H.R. 4205, the Defense Authorization Act.

Mr. Speaker, I would like to begin by thanking the gentleman from South Carolina (Chairman SPENCE) for his hard work and dedication in putting together a measure that helps our fighting men and women. The efforts of the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON) should not be underestimated. It is truly apt that this legislation we debate today is named after the gentleman from South Carolina (Chairman SPENCE).

Mr. Speaker, this is the first year that the President has brought us a reasonable defense budget for consideration. Over the last 7 years, the President's budget has failed the military service chiefs and our fighting men and women in uniform.

While the President's budget was reasonable this year, it still failed our armed services to the tune of $16 billion. However, under the leadership of the gentleman from South Carolina (Chairman SPENCE), the Committee on Armed Services has once again added funding to support our defense requirements.

While still living within a balanced budget, we have added $4.5 billion to the President's defense budget request. For example, the B–2 bomber was an

essential part of the success story from the air war in Kosovo. The B–2's success in this conflict underscored our needs for an adequate and modern bomber fleet.

We also learned some very valuable lessons about the effectiveness of our smart bombs during the war. Unfortunately, the President failed to fund the research and development of the 500-pound JDAM and 500-pound JDAM bomb rack, even though the Service Chiefs wanted it.

It was the Committee on Armed Services, under its able bipartisan leadership, that added funding for these upgrades and advancements. In total, the committee added funding of $96 million for upgrades on the B–2. These include the Link 16 upgrades that will modernize the cockpit and allow for in-flight re-planning, research, and development of the 500-pound JDAM and the integration on the B–2.

With the success of the B–2, these upgrades will allow our military to exert further strength to keep freedom and peace abroad, thus making the B–2 truly the spirit of America.

I also want to thank the gentleman from California (Mr. HUNTER) for implementing legislation I introduced last year on the Joint Strike Fighter program. As we all know, one of the pillars of the Joint Strike Fighter program is affordability. My legislation called for a cost study to be conducted on possible production sites for the Joint Strike Fighter. While I contend that Air Force Plant 42 offers the best opportunity for savings, I believe that the Defense Department owes Congress and the American people a study showing the savings opportunities that the different production sites offer.

Mr. Speaker, these two programs are just a few of the many success stories found in this legislation. Again, I want to thank both the chairman and the ranking member for their hard work on this important legislation. Yet again, the Committee on Armed Services has worked in a bipartisan manner in order to put the national security of the United States ahead of politics.

It is for this reason that the legislation passed in committee with an overwhelming majority and deserves the votes of the Member of this House. I urge a vote on this rule and for this important legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I wish I could say I am wholeheartedly in support of this rule. I suppose the politic thing to do would be to say I will vote for this rule and await the second rule.

But I feel constrained to express my reservation, because there is no assurance that one of the most important issues will come before this body, that which deals with military retirees. Even though this rule does not touch upon that, and there is the possibility of the second rule being adopted with the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) therein, I have no such assurance. I feel constrained to voice my reservation.

□ 1130

This is a very important bill, Mr. Speaker. It is an excellent bill, by and large, with some exceptions. And I also wish to tell the Members of the House that in honor of our chairman, it is named the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and it is a very, very proper recognition of this fine gentleman from South Carolina, who does such a fair and decent job for us in the committee, for us in the House.

I wish I could say on this very first part of the split rule that I could support the rule, but I do not have the assurance. Now, if I have that assurance in the next few minutes, that would be fine, but I do not have that. I do not see it forthcoming, because I cannot very well bifurcate the two rules, and as a result, I would have to vote against this first rule because of the lack of assurance that the second rule will contain the amendment that is so important to military retirees.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, let me begin by thanking the gentlewoman from Charlotte, North Carolina, (Mrs. MYRICK), my very good friend, the former mayor, who has done a wonderful job managing this rule. She has just come back, and we are all happy to see her doing so extraordinarily well, and it is very fitting that we would be here on an issue which is near and dear to the gentlewoman from North Carolina (Mrs. MYRICK), and that is the national security of the United States of America, that she is leading the charge in this rule.

Mr. Speaker, as my friend, the gentleman from Missouri (Mr. SKELTON) said, I want to recognize the fact that this is a great accomplishment and a great tribute to a wonderful individual to have the Floyd D. Spence National Defense Reauthorization Act established in his name, and I believe this is a very, very important piece of legislation, because as has been pointed out, we are really beginning this effort to rebuild our capability.

This morning in the Republican Conference, the gentleman from South Carolina (Mr. SPENCE) referred to the fact that over the past decade and a half, we have seen this continued diminution in the level of expenditures for national security, and we have been trying in recent years to rebuild it, and the steps that we are going to begin taking today will go a long way towards doing just that.

This has been one of the four top priorities that this Republican Congress has established for us, along with rebuilding our defense capabilities, saving Social Security and Medicare and, obviously, providing tax relief to working families, that has been a priority, and then improving public education. Those have been the four guides that we have had, but nothing is more important than our national security, because as we look at the issue, these other issues can be dealt with by a different level of government, but only Washington can deal with our national security.

My friend, the gentleman from San Diego, California (Mr. HUNTER) in 1980 came in and got on to this Committee on Armed Services so that he could make sure that we proceeded as vigorously as we could at rebuilding our Nation's defense capability. We did that during the Reagan years, as we all know so well, but we have had this pattern of reduction; the threats have changed.

The thing that I find very, very troubling has been over the past few years we have had continued requests made by the administration.

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

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

Mr. SKELTON. Mr. Speaker, I do not want to interrupt the gentleman's dialogue.

Mr. DREIER. The gentleman from Missouri has done that already, so I am happy to yield to the gentleman, in light of the fact that he already interrupted me.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I hope the chairman of the Committee on Rules understands my concern for the military retirees, that it is a major problem. They were told when they joined if you stay with us 20 years, we will take care of your health care for life. And I think that there should be some assurance that we would be able to at least debate the issue on a proper amendment, and that is why I said what I did a few moments ago. I really do not have a great deal of problem with this part of the rule; however, I cannot in my own mind bifurcate the two parts of the two rules, and that is why I said what I did.

I would certainly hope that the Taylor amendment would be made in order in the second go-around.

Mr. DREIER. Mr. Speaker, I appreciate the contribution of the gentleman from Missouri (Mr. SKELTON), my friend. I appreciate his requests. Let me say that we all know that the reason that we have dealt with this two-rule process is due to the tragic situation that hit the Stupak family, and the fact that many of our colleagues are this afternoon going to go to Michigan, and that led to this situation.

We are still working on the issue that my friend has raised, and we hope to have a resolution to that. I can assure the gentleman that when we meet later today in the Committee on Rules, we hope to have what I hope will be a satisfactory response.

Let me just conclude by saying as we look at where we are going in our Nation's national security, we have had a pattern over the past few years of seeing an administration which, unfortunately, has called for deploying troops all over the world, in fact, 139 countries with 265,000 Americans. We have seen that number, and at the same time there have been reduced requests for the level of commitment from Washington to our national defense.

Look at what it really has brought about. Unfortunately, it has brought about reduced readiness. We know that there is lower morale that exists in the military today; recruitment difficulties, we have heard many stories about those. And we have in this high-tech economy today a need to focus more investment on high-tech for our national security.

We have some real problems that need to be addressed, and I believe that this bill will go a long way towards doing just that. And again, as the gentleman from Missouri (Mr. SKELTON), my friend, has just said making sure that we have everything that is necessary for our men and women in uniform.

Mr. Speaker, I am pleased that we have begun this debate. It is an important one that we will be having, and I hope very much that my colleagues will join in support of the rule and in support of the bill when we finally get to passage.

I should say just before I do that that the gentleman from Missouri (Mr. SKELTON), my friend, and I are going to be jointly offering an amendment to deal with the issue of high-speed computers, which is an important one, that allows us again to maintain our commitment to national security, but at the same time our competitiveness around the world, which is a priority.

I urge support of the rule and support of the Dreier amendment that will be coming up later and support of this bill itself.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to encourage my colleagues to vote against this rule. I appreciate the horror that has happened to the Stupak family. I understand the reason that we will be meeting on a short schedule today. It makes perfect sense for as many Members to be with the Stupaks during this horrible moment as possible.

It also makes a golden opportunity for the Committee on Rules to meet and to make amendments in order. In fact, they should have been doing that right now. It is a good national defense bill. It actually improves spending for the first time maybe in a decade. It does a lot of good things, but what it does not do is solve the problem of health care for our military retirees.

If we think about it, they are the only Americans who were promised health care, the only Americans who were promised health care if they serve their country honorably for 20 years. They have done that. Every recruiter in every custom house for every branch of the service since the 1950s has been telling young 18, 19, 20 years old if you serve your country honorably for 20 years, then when it comes time for you to retire, for you and your spouse, we are going to take care of you at a military facility for the rest of your life. But what they are being told, because of the defense drawdown and because money is tight, is that when they hit 65, I am sorry, Chief; I am sorry, Sergeant; I am sorry, Colonel, yes, we asked you to go to Vietnam. We told you to go to Korea. We sent you to Kosovo. We sent you to Bosnia.

We sent you to all these places you did not want to be, where you got shot at, where you were away from your family, but we are not going to keep our end of the bargain. Congress for the past decade has failed to address this issue. I am saying it is time for Congress to address this.

Mr. Speaker, I cannot believe the Committee on Rules. This was the third amendment brought before the Committee on Rules, the third of over 100. They chose not to even vote on it. That is how good, that is how much they care about our Nation's retirees. We have absolutely no guarantee that this amendment will be brought to the floor. We have none.

We have asked repeatedly. This amendment has four Republican cosponsors, including three Members of the Committee on Armed Services, one of which is a subcommittee chairman.

This is not partisan. This is Republicans and Democrats trying to solve a sincere problem for the folks who deserve it the most. And we cannot even get a vote in the Committee on Rules.

I am asking every single Member of this body, if they care about those folks who have served your country honorably, if they think it is time that they keep getting told, well, next year, maybe we will get around to it in a couple of decades. Doggone it, we found time for tax breaks for millionaires. We found time to honor or condemn just about every group under the sun. You do not think we can find time for our military retirees?

Vote against this rule, that sends the Committee on Rules back to work. Let us make the Taylor-Hefley-Pickering-Tanner-Abercrombie amendment in order, Democrats and Republicans trying to solve the problem of health care for military retirees, to fulfill our Nation's promise. And doggone it, if we do not make it in order, then I am asking as many of you as possible to shut this place down.

We are not going to vote on this bill until we have an up or down vote on whether or not we are going to fulfill our promise to our Nation's military retirees.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HUNTER).

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

Mr. Speaker, I think, to a large degree, this is a historic bill. This is the first defense bill of this century, and in a bipartisan way, I believe it reflects some of the lessons of the century. After World War II, we had an enormous military, over 8 million people in arms, we rushed to throw our weapons away when General Marshall was asked how the demobilization was going. He said, this is not a demobilization, it is a rout, we are literally disarming before the world.

If we look at the correspondence between the Communist Chinese and Stalin's Russia, we can see their understanding of the fact that America over just a couple of years became extremely weak, and we found ourselves in June of 1950 being driven off the Korean Peninsula by a third-rate military. And before we had regrouped and managed to push our forces back and establish the stalemate that had endured, we lost 50,000 Americans killed in action.

We have seen in this last century what these bloody wars do, this enduring lesson that we achieve peace through strength. As the gentleman from California (Mr. DREIER), one of the great Members of this House, who came in with me in 1980, and I and a number of other people sought to do with Ronald Reagan, and I know the gentleman from South Carolina (Mr. SPENCE), our chairman, and the gentleman from Missouri (Mr. SKELTON), our ranking member, were members of this movement, we sought to rebuild America's defenses in 1980. And by doing that, we backed down the Soviet Union and ultimately dismantled the Soviet Union.

The interesting thing about that dismantlement is that dismantlement actually led to enormous savings of money by American taxpayers. What I am talking about is the fact that this bill that we are offering today is about $125 billion less in military spending than Ronald Reagan's bill of 1985. We have saved probably $1 trillion by the Reagan dismantlement of the Soviet empire, the fact that we no longer have the requirement to meet those massive Warsaw Pact divisions in military Europe.

We achieved something by being strong. I think it is important that we carry that message into the next century. This bill is a start of that. But I want to remind my colleagues, it is only a start. We still have massive problems.

Our mission capable rates have dropped about 10 percent, and they are

hanging there. They fell off the cliff, and they are hanging there around 70 percent throughout the services; meaning that about 30 percent of our aircraft cannot get off the carrier deck or the tarmack to go do their job and in return cannot do their mission. We still have shortages of ammunition. We have shortages of spare parts.

We do have people problems; instead of 800 pilots short in the Air Force, as we had last year, we are going to have about 1,200 short this year. But we are making some improvements, and this House voted for a $4 billion increase in national defense, I think reflecting the mood of the people in this country and their understanding that we do achieve peace through strength.

Mr. Speaker, we passed that in the emergency supplemental, and working with the other body, it came back as an add-on to this defense bill that we are debating today. We have started the upgrading and modernization of our forces, but I want to remind everybody what Bill Perry, President Clinton's former Secretary of Defense, said about the blueprint that he, himself, helped to put in place for defense spending: It looks like we need about $10 billion to $15 billion more per year. Jim Schlesinger, another former Secretary of Defense, said it is actually closer to $100 billion more per year that we need.

□ 1145

So we need to increase defense spending. That is clear. Members of Congress recognize that. This bill is a start. It is only a start, but I would hope that all Members would support this bill and support this rule.

And with respect to my friend from Mississippi, I think, and I have confidence in the gentleman from California (Mr. DREIER) and the gentleman from Texas (Mr. FROST) and the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. SPENCE), that they will be able to work out the subvention issue before this bill is finished. So please support this bill. It is good for America.

Peace through strength is what we want to achieve, and we are on our way at least to achieving it. And I am going to talk about him a little later, but I want to thank the gentleman from Virginia (Mr. SISISKY), too, our ranking member on the Subcommittee on Military Procurement of the Committee on Armed Services, for the wonderful job that he has done.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Maine (Mr. ALLEN).

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

Mr. Speaker, for reasons stated by the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Missouri (Mr. SKELTON), I rise in opposition to this rule, although I believe the underlying bill is a good bill.

I want to commend the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for their hard work in putting together such complex and important legislation. I urge particular support for the health care provisions. The gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Missouri (Mr. SKELTON) and the gentleman from Indiana (Mr. BUYER) have done a great job of putting together a bipartisan package that improves the Tri-Care system and increases health care access for retirees.

I want to focus on the provision to extend the pharmaceutical benefit to military retirees over the age of 65. Prescription drug coverage is a vital issue for all seniors, and I am pleased this committee has made a small but important contribution to provide affordable and meaningful coverage to a segment of the Medicare eligible population. I hope that other committees will follow suit.

The Tri-Care Senior Pharmacy Program in this bill allows all military retirees to participate in the DOD pharmacy program. Under this government-run prescription drug benefit, the Defense Supply Center in Philadelphia negotiates prices for its beneficiaries that are as low or lower than those obtained by other Federal agencies.

The Defense Supply Center receives some drugs off the Federal supply schedule and negotiates pricing agreements with more than 200 manufacturers, using as a starting point the mandated 24 percent VA discount. DOD estimates that these negotiated prices are 24 percent to 70 percent lower than the average private sector price.

My bill, H.R. 664, the Prescription Drug Fairness for Seniors Act, would give the rest of the Medicare eligible population the same discounts that this provision provides. We have 153 cosponsors, but none so far are Republicans. I hope that they will now embrace my bill as warmly as they have embraced the Tri-Care Senior Pharmacy Program.

Now, I do not accept the accusation that H.R. 664 involves price controls. But those who do must also conclude that this prescription drug benefit for military retirees is, indeed, a price control. Like the Democratic Medicare prescription drug plan, the Tri-Care Senior Pharmacy Program is administered by a Federal agency making good on the government's promise to provide health care for life for military retirees and the promise to provide health care in the golden years for the over 65 population at large. It uses the government's volume purchasing power to negotiate and achieve the same price discounts that favored large purchasers obtain.

Unlike the Republican prescription drug plan, this program does not throw military retirees to the whims of the private insurance market leaving them guessing about whether they can get prescription drug insurance from an industry that says it cannot offer such insurance anyway.

As we cast our affirmative vote for this legislation, and I hope we all will, please consider these questions. If Congress can provide a government-administered prescription drug benefit with negotiated price discounts to one segment of the Medicare eligible population, military retirees over 65, why can we not offer the same benefit to the rest of our Nation's seniors? If Congress can give 1.4 million Medicare eligible military retirees access to the best prices the government can negotiate, why is Congress not giving the other 38 million seniors the same access to the best prices that the government can negotiate?

I urge support for the bill and for affordable and meaningful prescription drug benefits.

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

The SPEAKER pro tempore (Mr. BOEHNER). Each side has 11 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the work done by all the members of the Committee on Armed Services.

Mr. Speaker, I am here to say that I support the cause of peace, I support the defense of the United States and the men and women who serve.

I also support the taxpayers of the United States of America. That is why I rise in opposition to this rule, because it authorizes a $2.2 billion boondoggle called the national missile defense, NMD. The NMD will consume defense budgets, undermine legitimate military expenditures, and contribute to the erosion of the readiness of our forces. Taxpayers will regret the day we authorize $2.2 billion in wasteful spending for the NMD.

Everything is wrong about spending $2.2 billion for the missile defense building in the bill. First, the technology is not feasible, it is not testable, and it would not and could not be reliable.

Second, there is no real threat that such a missile defense system could protect anyone against anything.

Third, it clearly violates the ABM Treaty of 1972. The concept of the ABM Treaty recognizes that countries have nuclear missiles, swords, but could not deploy shields. If the U.S. tells Russia, we want a shield, what can Russia conclude, other than they may need a shield and more swords, more nuclear missiles?

The deployment of the NMD will decouple all arms agreements. It will undermine the Nuclear Nonproliferation Treaty. It will negate the anti-ballistic missile treaty and, furthermore, will frustrate SALT II and SALT III. It will

lead directly to the proliferation by nuclear nations. It will lead to transitions towards nuclear arms by nonnuclear nations. It will make the world less safe, and lead to the impoverishment of people of many nations, as budgets are refashioned for nuclear arms expenditures.

The United States would be willing to risk a showdown with Russia or China and the rest of the world over the unlikely possibility that North Korea may one day have a missile that could touch the continental United States. What that argues for is talks with North Korea, not the beginning of a new worldwide arms race.

The fourth reason why this bill is wrong is that it lacks adequate funding for the cooperative threat reduction program, Nunn-Lugar, which helps in denuclearization and demilitarization of the states of the former Soviet Union. Nunn-Lugar has proven real and successful and effective in reducing nuclear threats, yet this program receives only $143 million in comparison to a total of $5.2 billion for an imaginary ballistic missile technology, the NMD, which has proven to be unworkable and easily defeated by countermeasures.

Fifth, the NMD is a waste of taxpayers' money: $2.2 billion for a system which everyone knows does not and cannot work will only serve to undermine taxpayers' confidence in the spending for the military.

Today's Washington Post reports that three high-level Pentagon officials, who have served in this administration are saying that a national defense missile system is expensive and unnecessarily alienating to the Russians. The Russians just passed START II and a comprehensive test ban treaty. We are saying the Cold War is over. If the Cold War is over, what are we doing putting together a national missile defense shield?

The officials conclude in The Washington Post that the development and testing of the system is not mature enough for the United States to make a confident deployment decision this year.

Let us recommit to nuclear arms reduction. Let us recommit to nuclear disarmament. Let us do this for ourselves and future generations. There is no security in a future saturated with nuclear weapons. The Cold War is over. The benefits of the end of the Cold War ought to start coming back to the taxpayers, not to arms contractors for a missile shield that does not work.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the bill that my friend, the gentleman from Mississippi (Mr. TAYLOR), was talking about with regard to subvention was written in San Diego by my veterans. It was actually written before I became a Member of Congress in 1990, and we support that particular bill.

The gentleman from Mississippi has got good intentions on this. There are many of us that would like this bill to come forward, and we have talked to both the gentleman from California (Mr. DREIER) and to the Speaker, the gentleman from Illinois (Mr. HASTERT). But let me tell my colleagues something. Before we shut this House down, I would say to my friend, it is important that we move forward. Subvention, Tri-Care, FEHBP, we have promised our military veterans too long that we are going to take care of them. We are losing thousands of World War II veterans every month. If we wait and keep on delaying, those veterans are not going to get the care that was promised to them.

We looked at the subvention bill itself. When I originally introduced the subvention bill, we had it as 100 percent. Because of the cost analysis and different reasons, the White House said no, we want to make it a pilot program. They were going to limit it just to two, one in the Senate and one here. It was my bill and my hospital was not even going to get in the subvention mix. I fought tooth, hook, and nail, and we were able to get that expanded.

But even then we were stopped. And if my colleagues will look at why subvention and some of these others have not passed, the White House itself did not push. DOD did not push these bills. Matter of fact, they told people if they got involved with subvention or FEHBP, they may not get back onto the regular program. So the numbers were very, very deficient. And they put out outlandish numbers; that the cost would reach out too much.

I would say to my friend, the gentleman from Mississippi, that I will work with him. But he is also aware that whether it is Tri-Care, whether it is FEHBP, and I personally think FEHBP, which a civilian has, is better than my original subvention. The same thing that a civilian Federal worker has that will guarantee subsistence beyond Medicare will actually be better. But the commission, Republicans and Democrats, were put together and tasked with what do we need to put together to really keep the promise of our health care promises to our veterans.

I remember in 1993, when the other side of the aisle increased taxes, increased spending and they cut military COLAs. They cut veterans' COLAs and they increased taxes on Social Security. So what we are saying, there is fault on both sides. Do not try to demagogue the veterans issue. Work with us in providing this health care plan.

We are well aware that the White House came over to the Democrat leadership and now every single bill the minority leadership is going to try to stop, to show a do-nothing Congress. Every one of these bills, whether it is riders, whether it is this issue, the Democrats are going to try to shut down the House or delay and end up with a monumental appropriations package at the end because the White House wants $20 billion more. Will they get some of that? Probably, yes, because we cannot control the Senate. But what the minority wants is to where they can get the whole $20 billion and work in taking the majority. I think that is disingenuous.

I support the gentleman from Mississippi, and I think he is very, very caring in what he wants to do for veterans. But look at the big picture and help us work through this process. Support this rule. Let us push on forward and let us work for the betterment of the American people.

□ 1200

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

Mr. Speaker, all that the gentleman from Mississippi (Mr. TAYLOR) is asking for is a vote. All he is asking for is the House to have the opportunity to vote on his proposal. That is not an unreasonable proposition. All the platitudes on the other side will not do any good if they do not give us a vote on the Taylor amendment.

Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, let me thank the gentleman from California (Mr. CUNNINGHAM) for his comments. I certainly do not claim to be the inventor of subvention. Someone else is. It might possibly be the gentleman from California (Mr. CUNNINGHAM). It is a good idea, though.

What I would like to tell the gentleman from California (Mr. CUNNINGHAM) is that he is right. I am disappointed also that the administration has not been more helpful. But a reading of the Constitution will tell both of us that no money may be drawn from the Treasury except by an appropriation by Congress.

Just because the administration did not help enough no way absolves us from doing our job. I am asking for the opportunity for the 435 Members of this body to do their job, to take care of our military retirees. I hope the gentleman will help me in that effort.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of the rule.

As the chairman and ranking member of the Committee on Rules know, the rule makes in order my amendment to provide the Department of Energy additional tools to manage the reduction of the overall number of Federal employees in the workforce at Rocky Flats and the other nuclear weapons facilities while also keeping those sites on track for expedited closure. In addition, the DOE would be able to provide assistance for employees to make successful transitions to retirement and new careers.

I am here to say that I greatly appreciate the Committee on Rules for allowing this important matter to be

considered. I also appreciate the cooperation and assistance of the leadership and staff of the Committee on Armed Services and the Committee on Government Reform and Oversight. Based on my discussions with them, I have agreed to some revisions in the amendment; and it is my understanding that the amendment, with those revisions, probably will be included as part the en bloc managers amendment.

Here is a brief description of the revised amendment:

The amendment deals with the DOE weapons sites that are scheduled for expedited cleanup and closure—(1) Rocky Flats in Colorado and (2) several sites in Ohio: Fernald, Columbus, Miamisburg, and Ashtabula.

The amendment is based on an Administration request. It would give DOE additional tools to meet the challenge of downsizing the federal workforce in ways that will both facilitate accelerated closure of the site and also assist DOE's employees to make successful transitions to retirement or new careers.

DOE wants this authority as a way to avoid reliance on the standard reduction-in-force (RIF) procedures by offering incentives for some employees to voluntarily separate and for others to remain.

The goal is to manage the reduction in the overall number of federal employees at the site while still retaining the proper mix of people with needed skills despite the high attrition rates that can be expected as closure approaches—so, the amendment would allow DOE to offer incentives for some people to leave early and for others to remain.

Similar—not identical—language has been incorporated as section 3155 of the Senate version of the bill. As modified, the amendment would allow DOE to authorize—additional accumulation of annual leave; payment of lump-sum retention allowances; and continuation of health-care benefits for employees who are separated (voluntarily or involuntarily) from Rocky Flats or one of the other sides covered by the amendment.

The amendment would require inclusion of information about the use of these incentives in the required periodic reports on the closure.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of the bill. I am disappointed with the rule as it stands before the body. But the National Defense Authorization Act for Fiscal Year 2001 is very urgent for the United States. I strongly urge my colleagues on the Committee on Rules to reconsider their decision on many amendments that do not appear before the House today.

The bill before us builds upon last year's achievements and continues our efforts to improve the quality of life for our military personnel retirees and their families. I am particularly pleased that the bill includes several provisions, which I support, to improve the military health care system, particularly for our Medicare-eligible retirees and their families.

This year, the Year of Health Care, we have made significant improvements in the military health care system in response to concerns raised by service members, retirees, and their families. The health care provisions of this bill will greatly improve their quality of life, particularly for Medicare-eligible retirees and their dependents.

The TRICARE Senior Pharmacy Program will restore access to the National Mail Order Pharmacy, the network retail pharmacies, and the out-of-network pharmacies. It is a major step towards improving health care for our Medicare-eligible retirees. We have improved access to TRICARE. We have reduced and streamlined the administrative costs, and we are using the savings to improve health care benefits for our military personnel, retirees and their families.

I am particularly pleased that this bill includes provisions which we have supported on our side of the aisle, and I am particularly pleased to have been able to work with the gentleman from Indiana (Chairman BUYER) to see that everything has been included.

It includes improvements to pay, it reduces out-of-pocket housing costs for service members, and provides funding for the Military Thrift Savings Plan. These provisions help us build upon our achievements of last year, which was the Year of the Troops.

Mr. Speaker, I want to express my appreciation to the gentleman from South Carolina (Mr. SPENCE), the chairman, and the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services, for their leadership in producing a bipartisan bill that will improve the lives of our service members.

I particularly want to commend again the gentleman from Indiana (Mr. BUYER) for working with me and other members on the committee to ensure that our men and women in uniform have the quality of life that they deserve.

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

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

Mr. Speaker, in conclusion, I would just like to say that H.R. 4205 is a very good bill. I would like to commend the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for bringing it forward with excellent bipartisan cooperation. It is a difficult challenge with defense because of so many needs and not enough dollars to go around, but they have done an excellent job this year.

I would also like to reassure the gentleman from Missouri (Mr. SKELTON), the ranking member, that the gentleman from California (Chairman DREIER) and the Committee on Rules are very sensitive to the issue of the gentleman from Mississippi (Mr. TAYLOR) and will work to achieve a satisfactory result.

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. BOEHNER). The question is on the resolution.

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

Mr. FROST. 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 220, nays 201, not voting 14, as follows:

[Roll No. 190]

YEAS—220

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

Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
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)
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
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—14

Baldacci
Campbell
Coburn
Collins
Crowley
Davis (VA)
Delahunt
Doyle
Largent
Lipinski
McIntosh
Stupak
Udall (NM)
Wamp

□ 1226

Messrs. MALONEY of Connecticut, STRICKLAND, HALL of Texas, RAHALL, MRS. MINK of Hawaii, Mr. LAMPSON, and Mr. PASTOR changed their vote from ''yea'' to ''nay.''

Mr. UDALL of Colorado and Mr. RYAN of Wisconsin changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–622) on the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. Pursuant to House Resolution 503 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4205.

□ 1229

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. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. BOEHNER in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

□ 1230

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

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

Mr. SPENCE. Mr. Chairman, on May 10, the Committee on Armed Services reported this bill, H.R. 4205, on a strong bipartisan vote of 56 to 1. This bill, the first defense authorization bill prepared for the new millennium, makes a good start toward ensuring that America's military can meet the challenges that lie ahead and ensure the safety and security of all Americans well into the 21st century. However, it is only a beginning, not an end.

In recent years, the committee has called attention to the problems faced by the men and women who so proudly serve their country in uniform. Serious readiness deficiencies and equipment modernization shortfalls, made worse by longer and more frequent deployments away from home, have placed increasing strains on a military that is still being asked to do more with less. Moreover, the increasing use of America's Armed Forces on missions where vital United States national security interests are not at stake has reduced military readiness and affected recruiting, retention and morale.

The defense bill before us today seeks to correct many of these problems. It is the fifth year out of the last six in which Congress has added to the administration's budget request. I am pleased to report that, in real terms, after more than a decade of decline in defense spending, this downward spiral has finally been halted. Nevertheless, although this bill contains $309.9 billion for defense, an increase of $4.5 billion over the administration's defense budget request, a serious mismatch between requirements, forces and resources continues to exist.

This bill seeks to address the most critical deficiencies faced by our military today. While some would argue that the end of the Cold War allows us to cut defense further, the bill we are debating today must be seen in proper perspective. In reality, the level of resources we devote to defense remains at an historically low level, roughly 3 percent of this Nation's gross domestic product. This is hardly an exorbitant price to pay to defend our freedom, our values and our national interests around the world.

Moreover, the threats we face today are in many ways more difficult and challenging than those we faced during the Cold War. The increasing number of states seeking to develop or acquire weapons of mass destruction, chemical, biological, bacteriological and ballistic missiles, against which we have no defense, poses a qualitatively new set of challenges to our national security. Other threats are emerging; new forms of terrorism, the outbreak of long suppressed ethnic conflicts, and the spread of sophisticated military technologies to potential adversaries.

While the United States remains the world's sole military superpower, we need to adapt to the changing realities and threats that we face in the new millennium. This requires a growing level of investment in the tools and the people necessary to keep our country at least one step ahead of any potential adversary.

As former Secretary of Defense James Schlesinger testified recently before our committee, ''We are resting on our laurels as the sole superpower.'' He noted that under the administration's current and planned levels of defense funding, the United States would be unable to sustain even our current level of military capability. ''This is

not a matter of opinion,'' he said, ''it is a matter of simple arithmetic.''

In fact, the administration has underfunded the United States defense effort for years. This year alone, the Joint Chiefs of Staff identified nearly $6 billion in unfunded military requirements. Since last year, the Chiefs' 5-year estimate of shortfalls has increased from $38 billion to $84 billion. The result of this chronic underfunding has been an increase in risk to our country, risk to our interests, and risk to the men and women who defend us. The time has come to reduce that risk.

This year's debate over the defense budget highlighted a general consensus that our defense spending has fallen too far too fast. During the Committee on Armed Services' oversight hearing earlier this year, the real debate revolved not around whether there is a defense shortfall, but rather its size, magnitude and implications. Some observers have characterized the current situation as a coming ''train wreck.''

Mr. Chairman, this bill is designed to help put America's defenses back on track. In overwhelmingly bipartisan fashion, the committee has targeted increases to the administration's budget request on a series of initiatives to improve readiness, modernize equipment, and enhance quality of life for our Armed Forces. This bill represents a sound approach to defense policy that bases the level of resources we provide on the magnitude of the threats that we face. It is based on a strategy that seeks to protect America's interests abroad and ensure America's safety at home. This bill is tailored to provide the minimum level of resources necessary to carry out our country's global responsibilities.

In a moment, my colleagues on the Committee on Armed Services will discuss the improvements contained in this bill in greater detail. However, I would like to take this opportunity to recognize the hard work and support of the chairmen and ranking members of our committees and subcommittees and the panels. Their strong leadership and bipartisan commitment to ensuring the best for our service personnel resulted in the bill that we have before us today. It is a tribute to their dedication and commitment.

Finally, Mr. Chairman, and I would like to pay tribute to the Committee on Armed Services staff. In my 6 years as committee chairman, I and the other members of the committee have been fortunate to be able to rely upon their expertise and professionalism. I thank them for their tireless efforts and support of the committee and our Nation's military.

Mr. Chairman, this is likely the last defense authorization bill I will submit to the House as chairman of the Committee on Armed Services. I have worked very hard to see to it that our military is second to none, not second to one. I am proud of what we have accomplished in this bill, and I believe it deserves the support of all Members. I urge my colleagues to support it.

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

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

Mr. Chairman, I rise to support H.R. 4205, which is known as the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. This is not only a good bill and deserves the support of the people in this House, it is named for an outstanding American, the chairman of Our Committee on Armed Services, who, through the years, has done yeoman's work. As the gentleman mentioned a few moments ago, this is the last time he will present as chairman the bill coming from our committee. We thank him for his excellent leadership and bipartisanship through the years.

Mr. Chairman, at the outset, I would like to thank the gentleman for the work he did on this particular bill. All of us have worked hard on it and it has been glued together quite well. I will talk of the exceptions a moment later. But this bill would authorize $310 billion for defense programs, including $13 billion for the Department of Energy defense-related programs. It authorizes a funding level of $4.5 billion above the President's request, which, of course, was $13 billion above last year's level. The bill makes a number of vital readiness and modernization improvements which will keep our forces the best trained and best equipped in the world.

The bill also addresses important qualities of life issues that are at the top of agenda for service members and their families. It gives a much needed 3.7 percent pay raise, plus a number of key improvements in the military health care system that will benefit service members and their families as well as military retirees.

Mr. Chairman, last year was ''the Year of the Troops.'' Congress was successful in enacting a number of pay and compensation reforms that have helped to close the pay gap between the military and civilian society that makes the military a more attractive career choice in a difficult recruiting environment.

Mr. Chairman, this year is ''the Year of Health Care.'' I am pleased that the bill provides a number of important health care reforms. Foremost is the reform to the TRICARE pharmacy benefit. The bill's provisions authorizing mail order, retail and non-network pharmacy access for Medicare-eligible retirees goes a long way toward affording greater health care access and affordability for military retirees. The bill helps us keep the promise of lifetime health care made to those service members.

Other major elements of the bill that are noteworthy include provision of adequate funding to support the Army's transformation to a lighter, more mobile force, the transition to the next generation of Nimitz-class aircraft carriers, and continued funding for tactical aircraft programs. This also makes significant investments in information technology and information infrastructure.

I do, however, want to express my disappointment, Mr. Chairman, with the language of the bill regarding the Island of Vieques. The best way to ensure that the Navy will have access to this important training area in the long run is to support the agreement worked out between the President and the Governor of Puerto Rico. This agreement gives the people of Vieques a voice in the future of the area and provides economic incentives to allow the Navy to continue live fire training there. The language in the Chairman's mark would do nothing short of gutting that agreement.

I know that all of us here today care deeply about the readiness of our Navy and Marine forces. I think it is fair to say there is generally a shared desire that this range be returned to its previous use. However, I believe that only through the implementation of the agreement between the President and the Governor of Puerto Rico will all sides to the dispute be accommodated and the range returned to the use of the military. I fear that the language in this mark will cause us to squander that opportunity, and I hope the Committee on Rules will make in order my amendment to correct this ill-advised provision.

Also, Mr. Chairman, I wish to express my disappointment thus far that the rule does not allow the amendment of the gentleman from Mississippi (Mr. TAYLOR) regarding military retirees and Medicare subvention. More about that later in the debate, but that is extremely important, and I hope that the second rule will include it.

On balance, this is a good bill. I believe Members should support it. I sincerely hope that the process under which the bill is considered will permit the House to work its will on important issues such as Medicare subvention and the Island of Vieques.

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

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BATEMAN), the chairman of our Subcommittee on Military Readiness, and also the Merchant Marine Panel.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman from South Carolina for yielding me time.

Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2001, and am indeed very proud of the fact it is being named for the chairman of our full committee.

□ 1245

The committee has, once again, given the funding restraints it faced, done an outstanding job in fulfilling its role of oversight of the Department of Defense, and it has done its best to provide the necessary funding to improve readiness of our military forces.

Does this bill contain enough funding to fix all of our readiness problems? Unfortunately, no. Does the funding recommended in this bill take us in the

right direction toward improving readiness? Absolutely.

Mr. Chairman, the administration began to publicly express concern that military readiness was on the decline in October of 1998, though my subcommittee found very serious readiness problems as early as 1996. Since then, our military leaders have continued to report to Congress that the annual budget requests are significantly short of critical funding. Again, this year the budget request is over $16 billion short in many critical areas. Unfortunately for our military, the administration has once again provided a budget that is longer on rhetoric than it is on substance.

To address the shortages in the budget request, the committee carefully reviewed the unfunded requirements identified to us in the Congress by the Joint Chiefs of Staff, or the members of the Joint Chiefs of Staff. The committee review found that most of the unfunded requirements for day-to-day military operations are spare parts, depot maintenance and facility maintenance, accounts that should be fully funded every year.

Due to the successful efforts of the gentleman from South Carolina (Mr. SPENCE) and other Members of the committee, additional funds above the budget requests were made available for many of these pressing readiness imperatives.

I want to quickly outline those readiness areas of greatest concern where we were able to increase the level of funding beyond the President's request. The bill recommends an increase of $660 million for real property maintenance; $257 million for depot maintenance; $204 million for ship depot maintenance; $157 million for training and training range improvements; $91 million for war readiness materials so our military can deploy more rapidly and efficiently; and $45 million for deployment of spare parts for aircraft squadrons.

This bill provides for several readiness reporting initiatives that will assist military leaders to ensure that we maintain the best-trained, best-equipped and most effective force in the world. To do anything less will allow the readiness of our military to slip further and could risk the lives of countless men and women in every branch of the service.

Mr. Chairman, H.R. 4205 is a responsible, meaningful bill that fairly allocates resources for the sustainment of readiness and an improved quality of life for the men and women of our military forces. I strongly urge my colleagues to vote yes on this bill, vote yes to maintain military readiness.

I would like to thank the gentleman from Texas (Mr. ORTIZ), the ranking minority member of the subcommittee and, in fact, thank all the Members of the subcommittee who, throughout my tenure as its chairman, have made it possible for us to operate in a thoroughly and totally bipartisan manner. They have been truly partners in all that we have done, and also to thank very deeply and sincerely the staff of the subcommittee for their good work.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ), an outstanding member of our committee.

Ms. SANCHEZ. Mr. Chairman, as a member of the House Committee on Armed Services, I rise in strong support of the national defense authorization bill, H.R. 4205. I would like to thank the gentleman from South Carolina (Mr. SPENCE) and my ranking member, the gentleman from Missouri (Mr. SKELTON) and the committee staff for all the hard work they have done on this bill. This year's bill makes great strides towards improving modernization, quality of life and military readiness, all within the confines of the budget caps. One area I am particularly pleased with are the improvements we have made to military health care, and I would like to thank the gentleman from Indiana (Mr. Buyer) and the gentleman from Hawaii (Mr. ABERCROMBIE) for their exemplary work addressing health care shortcomings, specifically the TRICARE health care system and lack of permanent health care for the military retirees.

Although this bill makes significant inroads, there is still a lot of work that needs to be done. Recruiting and retention are becoming problematic, with fewer seeing the call to duty during these prosperous times. While this bill makes improvements in military compensation, do the younger service members fully understand the value of their total compensation, that beyond their basic pay? Benefits this Congress has worked hard to provide, such as health care, housing and retirement, have a significant value, and I hope that the Department of Defense will do a better job informing service members of the value of these and other benefits received.

Finally, I would like to bring attention to research and development funding. The gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Virginia (Mr. PICKETT) did heroic work in improving the R&D accounts, specifically science and technology. R&D is the future of this Nation's defense. We should not be stealing from our future to pay for the current year's shortfalls.

R&D is critical in maintaining the technological edge for combatting the growing and changing threats to this Nation's security. This bill restores R&D accounts to acceptable levels.

In closing, I commend all the committee chairs, ranking members, the staff for working within the confines of this budget resolution to produce a bipartisan bill that goes a long way towards strengthening our Nation's defense, and I urge my colleagues to support this bill.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CALVERT)

Mr. CALVERT. Mr. Chairman, I rise in support of H.R. 4205.

Mr. Chairman, I am in full support of this important legislation that honors our men and women serving our nation's armed services. I believe this bill properly addresses the needs of our servicemen and women by providing needed quality of life programs and revamping the procurement shortfalls our military has been suffering since the Kosovo campaign.

I am particularly thankful to Chairman SPENCE and the Armed Services Committee for their continued support of the C–17 Globemaster. This legislation contains language focusing on the aging C–141 aircraft fleet and replacing this aircraft with C–17's. This legislation directs the Secretary of the Air Force to consider placing C–17's at bases with reserve units, especially those that could accommodate a reverse-associated unit, like March Air Reserve Base in Riverside, CA.

Mr. Chairman, I believe this bill is good for U.S. servicemen and women, good for the national security needs of our country and a sound investment for the people of the United States.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), the chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Chairman, I want to thank our chairman, the gentleman from South Carolina (Mr. SPENCE), for whom the bill is named, and our ranking member, the gentleman from Missouri (Mr. SKELTON) for the great bipartisan leadership that they gave us, and my great colleague and partner, the gentleman from Virginia (Mr. SISISKY), who worked with me on the Subcommittee on Military Procurement to try to do what was right for the troops.

One thing that we derived from our hearings was that we are still badly underfunded. Whether one ascribes to the GAO recommendation or their evaluation that we are $20 billion to $30 billion per year underfunded in modernization or Bill Perry, President Clinton's own Secretary of Defense, that it is somewhere closer to $15 to $20 billion, or even former Secretary Jim Schlesinger that it may be close to $100 billion per year short, we acknowledge that we are short, that we need to modernize the force and we have a lot of programs that are aging.

Now, we carried out a number of programs this year. It is a fairly vast piece of the defense bill. A couple of things that we worked on that were important were ammunition and precision munitions. We took the lessons of Kosovo and the most recent conflicts in which precision munitions, coupled with our tactical and long range aircraft and stealth aircraft that provided great power projection, so we tried to shore up the precision munition and ammunition accounts. We think that is important.

We preserve the submarine option for the next President; that is, if he feels that the 50 submarines that the administration is moving toward attack submarines is not enough, that he can retain some of the 688s that were going

to be decommissioned. So we left money in there for the early work on refueling for the 688s, refuelings that would allow them to continue to march, and also we left some early money in for changing the boomers, the so-called boomers, or the ballistic missile submarines, to cruise-missile carrying submarines. It gives us great power projection capability.

We sustained those options for the next President, should he decide to go in that direction.

We moved this extra money around and tried to solve as many of the $16 billion in shortages that the services gave us as we could with the money we had available.

I want to thank again the gentleman from Virginia (Mr. SISISKY) for his great partnership and help in getting that done.

So I would say to my colleagues, I think we at least held the bar without slipping this year. We need to put more money in next year. We are at least treading water. We are still very short in the procurement accounts, Mr. Chairman, but we are going to keep the wheels turning with this budget.

I would urge all Members to vote for this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SISISKY), the ranking member of the Subcommittee on Military Procurement.

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

Mr. SISISKY. Mr. Chairman, first of all, I would like to congratulate the chairman of the full committee. He has been chairman now, my chairman, for 6 years. The love for the military and the love for his State and his country has just shone through and I, on behalf of the people that I represent, want to thank him for his service, and also to the ranking member who has been very good and very easy to deal with.

I would like to follow the remarks of the gentleman from California (Mr. HUNTER) and say that I do not always find it easy to follow him, and I mean that in the kindest way, but in this case he has laid out a sound synopsis of the procurement title. As noted, we made a simple rule to govern consideration of changes to the President's budget: What does the military need? And that one question took precedence over all other considerations.

No House Member can be unaware of the high operational tempo that U.S. forces face around the globe. That tempo is hard for the troops, hard for their families, and hard for the equipment as well. We took it as a point of honor to give the military services what they told us they needed, not in the complete dollars, because we did not have the complete dollars, but I should note that in addition to an administration request for over $60 billion for procurement, with $2.6 billion added from the Committee on the Budget allocations, Members requested, that is, our Members here, $13 billion in potential add-ons.

Mr. Chairman, I compliment them on their devotion to national security and, of course, also their creativity, as the gentleman from California (Mr. HUNTER) well knows. I am pleased to assure my colleagues that the chairman and his staff were scrupulously fair in dealing with the minority Members throughout this process, and I believe that fairness is borne out by a lack of amendments seeking to make major changes in the work of the Subcommittee on Military Procurement.

I wish Americans who have a jaded view of Congress could see how this subcommittee works. It is bipartisan and it is fair.

Finally, I would like to thank the many Members on both sides of the aisle who voted to add funds, and that is the important thing to add funds, to this year's defense bill. They made it possible for this title to be both responsive to the needs of our service personnel and responsible to the taxpayers who support them.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), who is the chairman of our Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, let me say I have been through several chairmen of this committee. I have been through chairmen that were partisan. I have been through chairmen that were contentious. I have never had a chairman like the gentleman from South Carolina (Mr. SPENCE), who can finesse this thing with courtesy and respect for every single Member of the committee, be they Democrat or Republican. I want to say thanks to the gentleman from South Carolina (Mr. SPENCE) for the way he has handled himself. He is a testimony of why we should not have terms limits for committee chairmen.

Beyond that, down to business, I rise in strong support of H.R. 4205. The authorizations for the military construction and military family housing programs of the Department of Defense for the fiscal year 2001 contained in this legislation continue a strong bipartisan approach to the efforts of this Congress to enhance living and working conditions for military personnel and their families and to improve facilities supporting the training and readiness of our armed forces.

I regret very much the lack of emphasis by the Department of Defense on what the record, most of which was developed through taking testimony from senior officials and the uniform leadership of the DOD and the military departments, clearly indicates is a crying need. This year's budget request continued the broad trend that began with fiscal year 1996 MILCON program. The Department of Defense requested fewer total dollars for these key infrastructure accounts that was enacted by the Congress the year before. The department's budget request of $8.03 billion for the MILCON program was 4 percent below current spending levels, and 5.5 percent below the levels authorized for appropriations in the current fiscal year.

□ 1300

More significantly, the budget request was 25 percent below the funding level requested by the Department for fiscal year 1996.

While the Department of Defense has consistently underfunded the military construction and military family housing programs, the House has played a key bipartisan role in addressing the needs of military personnel and their families.

In fact, just yesterday the House passed the Military Construction Appropriations Act for the coming year by a vote of 386 to 22. The gentleman from Ohio (Chairman HOBSON) and I have worked very closely to make sure our bills compliment each other, and I am grateful for his cooperation and hard work on our common approach to the MILCON program.

H.R. 4205 would continue our efforts both to provide additional investment in military infrastructure and to continue innovation in facilities acquisition and management. The bill would commit approximately $8.43 billion to the military construction and military family housing programs for the coming fiscal year.

Although we all would prefer to do more, we recognize the imperative to balance the unmet needs in the infrastructure arena with the additional and growing list of unfunded modernization, readiness, and personnel requirements confronting our military services.

In closing, I want to express again my appreciation to the members of the subcommittee, especially the ranking member, the gentleman from Mississippi (Mr. TAYLOR) and the committee who have contributed to our work this session.

I want to also express my deep appreciation again to the gentleman from South Carolina (Chairman SPENCE) for his steadfast efforts to increase the defense budget, and his willingness to support significant improvements in the MILCON program over the years.

This is truly a bipartisan effort, and I urge all of my colleagues to support this bill without reservation. It is a bill we can be proud of.

Mr. PICKERING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

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

Mr. Chairman, I rise in strong support of H.R. 4205, the National Defense Authorization Act for fiscal year 2001. I want to specifically address the provisions of the bill relating to military readiness.

First, I would like to express my personal appreciation to the leadership of the Subcommittee on Military Readiness and my colleagues on both the

subcommittee and the full committee for their active participation, support, and cooperation in addressing critical readiness matters during this accelerated session, and also to the staff for doing a great job.

Let me say this, that even though the gentleman from South Carolina (Chairman SPENCE) is not retiring, he will not be the chairman of this Committee on Armed Services any longer but he will be a member of the committee, and we value his leadership and his input as we continue to address matters that pertain to service men and women.

My good friend, the gentleman from Virginia (Chairman BATEMAN) is retiring, but we wish him the best and thank him for his leadership.

The readiness provisions in the bill reflect some of the steps that I believe are necessary with the dollars available to make some of the improvements needed. But it still does not provide all that is needed. As I have said before, while the readiness of the force has shown some improvements in some areas, we are nowhere close to getting where we should be. Much more needs to be done if we are going to support our forces with the equipment and material they deserve to perform the missions that we require of them.

Also, I look forward to continuing to support the committee's effort to address two areas that have been neglected for a number of years, the readiness of our dedicated civilian employees and the modernization of our failing infrastructure.

Mr. Chairman, the readiness provisions in this bill represent a step in the right direction. They permit the Department to build upon the improvements that have been started in an area that is crucial to our national security.

I encourage my friends, all my colleagues, to vote for this bill. It is a good bill. It will do a lot for our troops.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), chairman of our Subcommittee on Military Research and Development.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the distinguished gentleman from South Carolina and my colleague, chairman and leader, for yielding time to me. I want to congratulate both he and the gentleman from Missouri (Mr. SKELTON) for an outstanding bill. It is certainly appropriate that we have named it after the gentleman from South Carolina (Chairman SPENCE). He is an outstanding patriot and American.

I want to pay tribute to the ranking member, the gentleman from Virginia (Mr. PICKETT). This is also his last bill, a distinguished patriot and a tireless advocate for the military, especially the Navy. He has been an outstanding co-director with me of our Subcommittee on Military Research and Development for 6 years. I am proud of the fact that in 6 years, Mr. Chairman, we have not had one split vote.

In all of our deliberations, in everything that is said about how Congress cannot get along, I think our subcommittee has demonstrated that we can work together. Even when there are disagreements, we try to find common ground. Even where there are funding disputes, we try to resolve those issues.

I extend my thanks to the distinguished gentleman from Virginia (Mr. PICKETT) for his cooperation and leadership. The people of Virginia will surely miss his leadership on these issues and other issues.

The chairman of the committee has done a great job in getting us some extra money. In the R&D area, we have been able to plus up the R&D portion of our bill by $1.4 billion over the President's request that has allowed us to fund things like cyberterrorism, information dominance, missile defense systems like THAAD, Navy area-wide, Navy upper tier.

We have been able to increase funding for technologies dealing with weapons of mass destruction, chemical and biological agents. Because of his leadership, we were able to increase funding for the basic research accounts, the 6–1, 6–2, and 6–3 account lines. That would not have happened without the chairman's leadership.

Mr. Chairman, we also have in this bill very important language that we worked out with the Permanent Select Committee on Intelligence asking that the CIA, the Defense Department, and the FBI come together in creating a national data fusion center so we can have an information intelligence capability in the 21st century that allows us to do data profiling, profiling of leaders, rogue groups, terrorist nations, to allow us to make the right decisions.

I want to thank my colleague and friend, the gentleman from New Jersey (Mr. ANDREWS). He has been one of our shining stars in the subcommittee in the area of cyberterrorism. I will be supporting him on legislation that he intends to offer on this bill later on in the process.

Mr. Chairman, this is a good bill. It is not as far as we would like to have gone, because we have shortfalls of dollars, but the chairman has done a commendable job and given us our basic support to meet the basic needs, albeit not all needs, of the military.

I applaud the chairman for the work he has done and the way he has done it, allowing Democrats and Republicans to work together without having significant dissension. In fact, our vote on the bill was the most bipartisan lopsided vote we have ever had, if I am not mistaken, in the history of the Committee on Armed Services. I think there was only one Member that actually voted against the bill when it came out of the committee. That is a tribute to the gentleman from South Carolina (Chairman SPENCE) and to the gentleman from Missouri (Mr. SKELTON).

I thank the chairman. Again I look forward to working with the chairman on the amendment process. All of our colleagues should support this bill without hesitation. It is a good bill. It provides for basic support for our troops. It does not solve all the dollar questions. The next administration is going to have a terrible problem trying to rectify those issues, but there is a good start. I urge my colleagues to vote yes.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. PICKETT).

Mr. PICKETT. Mr. Chairman, I thank the gentleman for yielding time to me, and rise in strong support of H.R. 4205.

Also, I congratulate the gentleman from South Carolina (Chairman SPENCE) and ranking member, the gentleman from Missouri (Mr. SKELTON), for their leadership in putting together an excellent authorization bill.

Let me also thank the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Military Research and Development, for his leadership in that portion of the bill. As ranking member on this panel, it has been a pleasure to work with him.

With additional resources provided for each of the services and the various defense-wide accounts, this legislation, in my estimation, brings us one step closer to fielding a lighter, leaner, stealthier, more mobile, more precise, and more lethal military capability.

The actions proposed in H.R. 4205 will mean that leap-ahead technologies will be fielded sooner, and that the investment strategy embraced will enable our Nation to field a robust force with a better chance of avoiding technological surprise in the future.

Let me particularly commend the gentleman from Pennsylvania (Chairman WELDON) for supporting additional resources for Apache upgrades, Navy theater-wide accounts, and a precision-guided miniaturized munitions capability for future air-to-ground missions.

These initiatives will leverage other programs funded at the levels requested by the administration. I am, of course, speaking of programs such as DD–21, Joint Strike Fighter, F–22, Chinook, Comanche, and LOSAT, just to name a few.

I am also pleased to report that the committee has authorized the full budget requested for all advanced concept technology demonstrations. These demonstrations offer significant promise for fielding improved capabilities in a timely fashion.

I urge my colleagues to vote for this bill. A vote in the affirmative will be a

vote in favor of all U.S. uniformed personnel and in support of fielding a technologically superior military capability.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the gentleman from South Carolina, the chairman, for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 4205. This bill addresses many of the most difficult national security challenges facing the Nation.

In particular, the military personnel titles of H.R. 4205 meet two major national security challenges head on. First, it reforms the military health care system so it can promote, not detract, from readiness, recruiting, and retention. The bill breaks down numerous barriers to access for active and retired military individuals and their families, and it restores access to a nationwide prescription drug benefit for 1.4 million military retirees over the age of 65.

It sets the stage for providing Medicare-eligible military retirees a permanent health care program in fiscal year 2004, and adds more than $280 million to the defense health programs to fund new benefits. It also promotes reforms that will save more than $500 million over 5 years.

The Subcommittee on Military Personnel conducted hearings, and what we learned was that in TRICARE, it is costing us $78 a claim to process that claim. When we have 39 million claims, that is a lot of money. In Medicare, it costs us 80 cents to $1 to process one claim, so just do the easy math. Over a 5-year period, if we actually can get them to enact the best business practices and move to online billing, we can save over $500 million, and take those monies and pour them back into the health program. It is the right thing. It is pretty exciting that we are able to do this.

The bill also aggressively attacks the major challenge of sustaining the viability of America's all volunteer military force. Therefore, the bill contains numerous recommendations for improved pay, bonuses, benefits, that continue the broad-based approach that Congress undertook last year.

We also target certain specific problems like recruiting and retention, and with regard to the food stamp program.

In short, this bill provides a strong, comprehensive set of initiatives that go to the heart of fixing some of the toughest problems confronting our military today. I urge all Members to support the bill.

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

Mr. Chairman, I want to take this opportunity to compliment the gentleman from Indiana (Mr. BUYER), particularly on that part of the markup involving prescription drugs and the work the gentleman did overall to help this move forward. Of course, we do not agree on whether it went far enough, but I compliment the gentleman on a major step in that direction. We thank the gentleman for that.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank the ranking member for yielding time to me.

I am very pleased and honored to rise in support of the aptly named Floyd D. Spence defense authorization bill. I congratulate our chairman on his service to our country. I thank my friend and ranking member, the gentleman from Missouri (Mr. SKELTON), for his leadership.

I also extend, as a member of the Subcommittee on Military Research and Development, my appreciation to the gentleman from Pennsylvania (Chairman WELDON) and the ranking member, the gentleman from Virginia (Mr. PICKETT).

Throughout our history, when things seemed to be most safe for our country, we seemed to get into the most trouble. When we seem to be at the apex of our power, we seem to be most subject to risk. I believe that this bill, which is worthy of support, moves us in a direction of avoiding that mistake this time.

The world is not placid and we are not secure if we ignore the need to provide for the common defense. This bill does that in three very important ways. First, it does provide for nearly $40 billion in research and development funds that will assure us that the best technology deployed in the most intelligent way will be at our disposal for years to come.

Second, it recognizes that the most important aspect of our armed forces and defense structure is the people who work in those forces. Keeping those people is a function of what we pay them and how we retain them. The increase in pay, the steps forward in benefits for retirees, are important, positive steps in that direction. I salute the committee for that.

I would urge the committee to later accommodate the Medicare subvention proposal of the gentleman from Mississippi (Mr. TAYLOR) in the second rule.

Finally, I am pleased that this legislation includes legislation that I, along with the gentleman from Pennsylvania (Chairman WELDON), introduced that will provide us protection against cyberterrorist attacks in our most vulnerable places, the air traffic control system, the banking system, the 911 system.

For the first time, this bill contains language that provides for a modest loan guarantee program that will help the private sector provide protection against those risks. I support the bill.

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Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH), who is chairman of the MWR panel. For those who do not know what that means, that is the Morale, Welfare and Recreation panel.

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

Mr. Chairman, let me begin by adding my words of deep admiration and appreciation to Chairman SPENCE. This naming of the bill in his honor is the most appropriate act. Frankly, it does not even begin to reflect the dedication that he has brought to the committee and to its efforts, and I salute him.

I also want to thank our ranking member, the gentleman from Massachusetts (Mr. MEEHAN), and the ranking member of the full committee, the gentleman from Missouri (Mr. SKELTON), and their never-ending, untiring efforts to working in a bipartisan way to produce what, as we are hearing on this floor today, is a very, very fine bill.

As the Chair mentioned, I want to discuss for a moment the provisions in the bill that do pertain to morale, welfare and recreation activities of the Department of Defense and the military service.

I think it is fair to say that all Members of this great body support their troops and their families, and that certainly is a very, very good thing. We can make a difference in the lives of young military families from each of our districts, as well as retirees across the country by supporting this bill.

The legislation takes decisive action to protect a critical and highly-valued benefit for our troops, namely the commissaries. Lost in the discussions about food stamps is the fact that each military base operates a grocery store that sells name-brand products to our military men and women at substantial discounts.

This long-standing military benefit has been endangered by a serious lack of funding for store modernization. It was primarily caused by the insidious drains on the building fund initiated by the Pentagon. This bill firmly shuts those loopholes and protects the commissary benefit well into the future.

Mr. Chairman, the committee has also included other measures as well, that serve notice on the Department of Defense that inadequate defense budgets cannot be shorn up by using funds that properly belong to the troops.

This is an issue that has been a continuing battle and that all of us on the committee have championed and through the adoption of this bill. It is a fight we can effectively wage in the future.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, let me begin by complimenting the gentleman from South Carolina (Chairman SPENCE). I think it is very appropriate that the bill is named after him. He is truly a gentleman who has been a great patriot and a great Congressman.

The bill overall does a heck of a lot of good things. The bill, unfortunately, fails to address adequately the problem of dealing with health care fraud and the Nation's military retirees. It is for that reason that eight of us, Democrats and Republicans alike, went to the Committee on Rules and asked for an opportunity to have an up or down vote on the prospect of Medicare subvention for our Nation's military retirees.

Unfortunately, the Committee on Rules has failed to even vote on that. For the citizens who are watching, we have but one chance a year to change that. Medicare subvention involves Medicare. It involves something going out of the Committee on Commerce, and it involves Armed Services. So we really only have one chance a year to address that, and that is today.

Mr. Chairman, and it is for that reason if by 2 p.m., the Committee on Rules has not ruled on this amendment and giving the Members an opportunity to vote on it, I will begin a series of procedural moves to tie up the House of Representatives, because all we are asking for is for the sake of those people who served our Nation so well for 20 years or more in horrible places away from their families, all we are asking for is the opportunity for 435 Members of Congress to decide whether or not we are going to improve their health benefits and give them what they were promised.

We just want an up or down vote, and this is the only chance we get all year long to do that. If we do not get it today, we do not get it at all; otherwise, it is a wonderful bill.

I am looking forward to the opportunity that once we further address health care needs for military retirees, to support it. But until then, we want an up or down vote of giving to our Nation's military retirees that what was promised to them so many years ago.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I have great respect for the gentleman that just spoke, but I extend my even greater admiration to the chairman of the full committee, who extended the ability of this committee to finally put our arms around all of those demo programs.

This bill provides the road map actually to extend and remove these barriers and extend that benefit the military retiree is entitled to. Any Member can stand in this well and embrace the military retiree and the Veteran, it is easy. But how do we finally put our arms around all of these demos and actually deliver the right program that is in the best interests? That is what this bill lays out, the road map, and I thank the chairman for giving me the ability to do that.

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

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I rise today to voice my strong support of H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

Before I speak to the bill itself, I feel it is important to recognize the outstanding work of six very distinguished Members of our Committee on Armed Services. We will certainly miss the gentleman from Ohio (Mr. KASICH), the gentleman from Virginia (Mr. BATEMAN), the gentleman from Missouri (Mr. TALENT), the gentleman from Virginia (Mr. PICKETT) and the gentlewoman from Florida (Mrs. FOWLER). I applaud their great work and their tireless work on behalf of the men and women in uniform, and I wish them the very best.

Mr. Chairman, I believe it is fitting that this bill will bear the name of our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE). He has guided us through recent lean years and his leadership and tenacity has resulted in our men and women in uniform ending up every year more than what had been proposed at the outset.

Some have been quick to scream pork, but everyone on this committee, Mr. Chairman, knows what shape our military would be in if those funding victories had not been won.

Mr. Chairman, I applaud the gentleman from South Carolina (Chairman SPENCE), the subcommittee chairman and their staffs for the hard work they put in to securing the $4.5 billion additional funding.

I urge my colleagues to support this bill, and I appreciate the chairman for yielding me the time.

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

Mr. Chairman, I would like to talk about the young men and the young women in uniform. Largely based upon what the gentleman from Mississippi (Mr. TAYLOR) has said, this is one time a year when we consider the defense bill. It is our time to tell them, through our words and through our votes, that they are important to us; that those in uniform who sacrificed daily, hard training away from home, away from family, pay could probably be better, although we have done better here in Congress lately, all of those items cause us to have the deep admiration for the young men and women in uniform.

True, there are series challenges when it comes to recruiting and serious challenge when it comes to retention, but I hope this bill this year will give added confidence to those who are considering joining the military and to those who are in the military to look at as possible because they are so important to our country, so important to the future of this grand democracy and this land that is known as the grandest civilization ever known in the history of mankind.

But I have a concern, Mr. Chairman, that because of the victory in the Cold War, because fewer and fewer families are being touched by sons and daughters and cousins and aunts and uncles who wear the uniform, that the fact that there is a need for a strong national security might be out of sight, out of mind.

So this is our one chance to say on this floor to those folks who serve us well, whether they be in Bosnia, Kosovo, aboard ship, in the Far East or here in one of the posts or camps or bases in this country, that we appreciate their efforts; that we hope that the work that we do today will meet with their approval; that they will continue to serve and those that are considering serving will think possibly upon the challenges of the military.

Mr. Chairman, it is a true opportunity for those of us who serve on this committee to work with and for the young people. And many of us make trips to visit with them aboard the ship at the post, the bases. I had the opportunity along with my wife, Susie, to have Thanksgiving dinner in Bosnia and Kosovo with the young folks, and they are tremendous.

The morale is good. We hope to keep those folks doing what they do so well for our country, and this is our one chance in this bill, this bill named after the gentleman from South Carolina (Mr. SPENCE÷), our chairman, that we can give added confidence to those young people who are in uniform to let them know that we work with them and for them, and that we wish them continued success as they serve the United States of America.

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

Mr. SPENCE. Mr. Chairman, I yield 1 minute to another good member of our committee, an able Member, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in strong support of the Floyd D. Spence National Defense Authorization Act. Over the past 8 years, the current administration has not only cut defense spending in our military, the readiness of our force has been permitted to deteriorate. This is unfortunate. It is unacceptable.

Thankfully, the defense authorization bill today before us continues the Congress' effort to rebuild our military and improve the quality of life of our military personnel and their families.

Specifically, I am pleased that this bill authorizes funding for several electronic warfare initiatives, which is very important to the defense of our aircraft, most notably, the funding for upgrades in the EA–6B Prowler. The Prowler fleet is over-committed and aging fast. Maintenance is frequently deferred.

Mr. Chairman, the U.S. military supremacy in the 21st century promises to be even more dependent upon control of the EW spectrum, than it was in the past few decades. Unfortunately, EW requirements are often overlooked, and this is not the case in this authorization bill.

I thank the gentleman from South Carolina (Chairman SPENCE) for his support of the vital electronic warfare assets and capabilities in this bill, and I urge support of the bill.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON. Mr. Chairman, I rise in support of this legislation. And I want to commend our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE) and, of course, the great leadership of the gentleman from Missouri (Mr. SKELTON) as well.

This is an important bill in so many respects, but I rise this afternoon concerned about a very important segment, a segment that addresses the concern of veterans and their health care and the benefits that they so richly have earned and deserved.

This committee has distinguished itself in the nature of its bipartisan accord and the way that we have been able to come together around important issues that concern this Nation's defense and the quality of life that is needed within our military.

But at the heart of what this committee has stood for is a morale commitment to those men and women who wear the uniforms. I stand in support of this bill and hope that we address the concerns raised by the gentleman from Mississippi (Mr. TAYLOR).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from the Georgia (Mr. CHAMBLISS).

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

Mr. CHAMBLISS. Mr. Chairman, I rise in strong support of the Floyd Spence National Defense Authorization Act. Mr. Chairman, for 7 years, America's Armed Forces has suffered the strain of doing more with less. Funding shortfalls have left a legacy of readiness problems that plague our military on a daily basis.

This bill not only provides a pay raise for our troops, but we enhance health care benefits and improve the quality of life for our military men and women and their families who sacrificed daily to protect and defend America's freedom.

Mr. Chairman, we must invest in technologically-advanced equipment that our soldiers, sailors and airmen will need to meet the national security challenges of the 21st century. Aircraft like JSTARS, the C–17, C–130J and the F–22 are critical platforms that will help ensure successful military missions from Korea to Kosovo.

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Every day our military men and women risk their lives to provide us with peace of mind and a safe Nation. It is crucial we repay their sacrifices by providing them with the resources and supports they deserve. After all, the price of freedom is eternal vigilance, and this bill is critical to meeting that challenge. I urge my colleagues to support this very important bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

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

Mr. SWEENEY. Mr. Chairman, I want to thank the ranking member, the gentleman from Missouri (Mr. SKELTON), and the great chairman, the gentleman from South Carolina (Mr. SPENCE), and particularly the gentleman from California (Mr. HUNTER) for their hard work and dedication in developing the defense authorization for fiscal year 2001.

I also want to thank the gentleman from Illinois (Mr. EVANS) for his leadership in the arms initiative, and my neighbor, the gentleman from New York (Mr. MCNULTY), for working with me to secure the future of the Watervliet Arsenal, which serves the 21st and 22nd Congressional District in upstate New York.

I am pleased to point out that H.R. 4205 dedicates $3.6 million for the storage and maintenance of laid away equipment and facilities at Hawthorne Army Depot in Rock Island and the Watervliet Arsenal. These arsenals are an asset to our military and our region.

It is important to expand the arms initiative to allow for the option of attracting commercial tenants to these arsenals. I am incredibly thankful for the help of this committee and its great work.

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

Mr. SWEENEY. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I just want to thank the gentleman for his great leadership on behalf of his constituents and the U.S. Armed Forces for helping to put this thing together. He did a lot of great work on it and we appreciate it.

Mr. SWEENEY. Reclaiming my time, Mr. Chairman, I thank the gentleman from California (Mr. HUNTER) for his kind words.

Mr. Chairman, this is vital to our national security, and I have to tell my colleagues that, as a representative of the people who have given their lives to this facility, it is important to their lives, and I want to really thank all my colleagues very much for the hard work they have put in, and thanks again to the ranking member for yielding me this time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), our top gun on another committee now, but he was on our committee at one time.

And I also wish to thank, Mr. Chairman, the ranking member, the gentleman from Missouri (Mr. SKELTON), for yielding some of his time to our people, as I do not have enough time left.

Mr. CUNNINGHAM. Mr. Chairman, first of all, there are no better committees that one can serve on than the authorization or appropriations defense committee. Once we get to the floor, that is different, because there are those people that do not support national security.

Mr. Chairman, I want to talk about the health care issue. And if the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Missouri (Mr. SKELTON) would listen, this is important.

The subvention bill is my bill, my original bill. I put it through to get 100 percent of coverage for the subvention that the gentleman from Mississippi wants to do. But I want to tell my colleagues that, even though it is my bill, and I have the most to gain, I would love to have the veterans saying, ''DUKE CUNNINGHAM's bill is out there and it is 100 percent,'' it has its limitations. If someone lives close to a hospital, then subvention is good, but it is just a Band-Aid.

I put it in because we were not doing enough for our veterans and we could not get movement. Tri-Care is the same thing. We could go ahead and make that 100 percent right now, but I want to take care of those veterans that are in the rural areas who do not have access to Tri-Care or subvention. If we do this, we could mess up the whole program and what we are trying to do to help veterans.

Do not demagogue the issue with the Democrat leadership. And those people that support what the gentleman from Mississippi (Mr. TAYLOR) is doing are mistaken.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I want to thank the gentleman from Missouri for yielding to me, and I rise in support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001.

Mr. Chairman, I want to thank the Chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services, the gentleman from Colorado (Mr. HEFLEY), for his work to include a land transfer of the former Army Reserve Center in Winona, Minnesota, to the Winona State University Foundation.

Winona State University is in desperate need of student housing, and the City of Winona has a family home shortage as well and a severe parking problem. The former Reserve Center property can help solve these problems by development into student housing and parking. Also, the University's foundation is developing an agreement to transfer the former Reserve Center's building to the American Legion Post 9 and the Veterans of Foreign Wars Post 1287, showing a tremendous amount of cooperation between these fine organizations.

This project enjoys enormous support from the community. Resolutions were passed by the city and county, and letters of support have been sent to me by

State and local officials and members of the community. This land conveyance to the Winona State University Foundation is the best possible use for these facilities.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume to add a postscript to the very, very hard working staff of the Committee on Armed Services. Without exception, they do yeomen's work, and we would not be where we are today but for their bipartisan, lengthy, arduous efforts. So I wish to just salute them for the work they have done to help us get to this point in this very important legislation.

Mrs. TAUSCHER. Mr. Chairman, I want to take this opportunity to express my support for the Enhancement of Authority of Military Departments to Lease Non-Excess Property that is found in Section 2812 of the Mark. The changes in this section will give military departments the needed leasing flexibility to ensure that the men and women on our military installations have ready access to important institutions, such as their credit unions, and the services they provide. By allowing these services and this use of the property to count as in-kind consideration for the lease, military departments may treat credit unions on military property much the same as credit unions on other Federal property and effectively charge them a nominal fee to lease land to build facilities to serve military personnel.

Mrs. THURMAN. Mr. Chairman, thank you for this opportunity to talk about an issue that I have been working on for years—access to prescription drugs for our military retirees.

I am pleased to support Section 721 H.R. 4205, the National Defense Authorization Act for FY 2001. I am especially pleased that this section includes the TRICARE Senior Pharmacy Program which will enable our military retirees to have easy access to necessary prescription drugs. I have been working on this issue for years and am glad that the Committee recognizes the important need to ensure that our military retirees have access to necessary and often life-saving pharmaceuticals.

The TRICARE Senior Pharmacy program would ensure that all Medicare-eligible military retirees and eligible family members would enjoy the same pharmacy benefit that military retirees under the age 65 receive through the TRICARE program. In particular, they would have access to the national mail order program and prescription drugs through both network and out-of-network retail pharmacies.

Last year, I was pleased that the Committee included in the FY 2000 Defense Authorization bill language, that I originally authored, which required DOD to conduct a demonstration program of the military pharmacy program in two TRICARE regions. The demonstration program is currently going on in Okeechobee, Florida, and Fleming, Kentucky. But, we need to ensure that all eligible military retirees have access to prescription drugs, not just a lucky few.

Before they reach 65, retired military are eligible for mail order prescription drugs through TRICARE. Once they reach age 65 and come under Medicare, they lose that mail-order benefit. They get prescription drugs only if they live near a military base. For many military retirees, going on Medicare effectively ends their prescription drug coverage.

We have an obligation to keep the promises that were made to the men and women who dutifully served our country. Out of respect and appreciation for their sacrifices, we must provide our military retirees good, affordable health care in their older years. That includes affordable prescription drug coverage. We made a promise, and it is time that we honored that promise. Today, we are taking one step closer toward fulfilling a promise to our nation's servicemen and women with the expanded mail-order TRICARE drug program for military retirees.

It is also good to know that my colleagues from both sides of the aisle on the Armed Services Committee recognize the importance of getting the best price for our seniors. Under this provision, the prices for these drugs will be negotiated by a government agency to ensure that we get the best price available to other favored customers.

I urge my colleagues to support this legislation and cast a vote in support of a pharmaceutical benefit for our military retirees.

Mr. OXLEY. Mr. Chairman, I rise in full support of H.R. 4205 and thank Chairman SPENCE, Ranking Member SKELTON, and the Armed Services Committee for the great work in putting together this legislation. They are to be commended for expertly balancing our national security interests with very unforgiving budget constraints.

Even though the Army, in my opinion, has shortsightedly threatened the superiority of our heavy forces by terminating the Heavy Assault Bridge program, the Committee is wisely supporting the bridge and the most superior tank in the world, the M1A2 Abrams.

The M1A2 Abrams System Enhancement Program (SEP) tank is a major component of the Army's heavy forces and will remain so through the year 2020. I am pleased the committee matches the President's request of $512.8 for M1A2 SEP Abrams tanks. The committee also recommends $55 million ($18.9 million more than the President's request) for M1 Abrams tank modifications.

The Wolverine Heavy Assault Bridge (HAB) is a mobile bridge deployable in five minutes, retrievable in less than ten minutes, and can support 70-ton vehicles. Like the Grizzly Breacher, the President's budget terminated this program to pay for Army Transformation efforts, even though Congress has provided multi-year procurement authority and additional funds for HAB in recent years. It is the top unfunded modernization requirement of the Chief of Staff of the Army for fiscal year 2001. To restore this program, the committee recommends $59.2 million for 12 HABs and $13.1 million for advance procurement of HABs in fiscal year 2002.

I urge all my colleagues to support this vital legislation.

Mrs. FOWLER. Mr. Chairman, I strongly support the bill before us today, which contains a badly needed $4.5 billion increase over the President's 2001 request for defense.

Most importantly, the committee supported significant improvements in the quality of life of our men and women in uniform. This bill would increase troop pay by 3.7 percent; increase housing benefits for troops living off-base; address serious deficiencies in the military health care system; enhance recruitment and retention incentives; and provide additional funding for military housing and child development centers. It also provides up to $500 per month in supplemental assistance to military families at the greatest level of economic stress, a move that will take some 1,100 military families off Food Stamps.

In addition to these critical steps, the bill provides another $1.4 billion for critical readiness accounts; $2.7 billion for key modernization efforts, including $85 million more for national missile defense; and $400 million in military construction enhancements.

Mr. Chairman, I congratulate the Chairman and Ranking Member on this excellent bill, and urge its support.

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

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

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to rule, 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 read.

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

H. R. 4205

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001''.

(b) FINDINGS.—Congress makes the following findings:

(1) Representative Floyd D. Spence of South Carolina was elected to the House of Representatives in 1970, for service in the 92d Congress, after serving in the South Carolina legislature for 10 years, and he has been reelected to each subsequent Congress.

(2) Representative Spence came to Congress as a distinguished veteran of service in the Armed Forces of the United States.

(3) Upon graduation from college in 1952, Representative Spence was commissioned as an ensign in the United States Naval Reserve. After entering active duty, he served with distinction aboard the USS CARTER HALL and the USS LSM–397 during the Korean War and later served as commanding officer of a Naval Reserve Surface Division and as group commander of all Naval Reserve units in Columbia, South Carolina. Representative Spence retired from the Naval Reserve in 1988 in the grade of captain, after 41 years of dedicated service.

(4) Upon election to the House of Representatives, Representative Spence became a member of the Committee on Armed Services of that body. During 30 years of service on that committee (four years of which were served while the committee was known as the Committee on National Security), Representative Spence's contributions to the national defense and security of the United States have been profound and long lasting.

(5) Representative Spence served as chairman of that committee while known as the Committee on National Security during the 104th and 105th Congresses and serves as chairman of that committee for the 106th Congress. In addition, Representative Spence served as the ranking minority member of the Committee on Armed Services during the 103d Congress.

(6) Dozens of awards from active duty and reserve military, veterans service, military retiree, and industry organizations and associations have recognized the distinguished character of Representative Spence's service to the Nation.

(7) Representative Spence has been a leading figure in the debate over many of the most critical military readiness, health care, recruiting,

and retention issues currently confronting the Nation's military. His concern for the men and women in uniform has been unwavering, and his accomplishments in promoting and gaining support for those issues that preserve the combat effectiveness, morale, and quality of life of the Nation's military personnel have been unparalleled.

(8) During his tenure as chairman of the Committee on National Security and the Committee on Armed Services of the House of Representatives, Representative Spence has—

(A) led efforts to identify and reverse the effect that declining resources and rising commitments have had on military quality of life for service members and their families, on combat readiness, and on equipment modernization, with a direct result of those diligent efforts and of his willingness to be an outspoken proponent for America's military being that Congress has added nearly $50,000,000,000 to the President's defense budgets over the past five years;

(B) been a leading proponent of the need to expeditiously develop and field a national missile defense to protect American citizens and forward deployed military forces from growing ballistic missile threats;

(C) advocated reversing the growing disparity between actual military capability and the requirements associated with the National Military Strategy; and

(D) led efforts in Congress to reform Department of Defense acquisition and management headquarters and infrastructure and business practices.

(9) This Act is the 30th annual authorization bill for the Department of Defense for which Representative Spence has taken a major responsibility as a member of the Committee on Armed Services of the House of Representatives (including four years while that committee was known as the Committee on National Security).

(10) In light of the findings in the preceding paragraphs, it is altogether fitting and proper that this Act be named in honor of Representative Floyd D. Spence of South Carolina, as provided in subsection (a).

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical demilitarization program.
Sec. 107. Defense Health Program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority.
Sec. 112. Increase in limitation on number of Bunker Defeat Munitions that may be acquired.
Sec. 113. Armament Retooling and Manufacturing Support Initiative.

Subtitle C—Navy Programs

Sec. 121. Submarine force structure.
Sec. 122. Virginia class submarine program.
Sec. 123. Retention of configuration of certain Naval Reserve frigates.
Sec. 124. Extension of multiyear procurement authority for Arleigh Burke class destroyers.

Subtitle D—Air Force Programs

Sec. 131. Annual report on operational status of B–2 bomber.

Subtitle E—Joint Programs

Sec. 141. Study of production alternatives for the Joint Strike Fighter program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. High energy laser programs.
Sec. 212. Management of Space-Based Infrared System—Low.
Sec. 213. Joint strike fighter.

Subtitle C—Ballistic Missile Defense

Sec. 231. Funding for fiscal year 2001.
Sec. 232. Sense of Congress concerning commitment to deployment of National Missile Defense system.
Sec. 233. Reports on ballistic missile threat posed by North Korea.
Sec. 234. Plan to modify ballistic missile defense architecture to cover intermediate-range ballistic missile threats.
Sec. 235. Designation of Airborne Laser Program as a program element of Ballistic Missile Defense program.

Subtitle D—Other Matters

Sec. 241. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

Subtitle B—Environmental Provisions

Sec. 311. Payment of fines and penalties imposed for environmental violations.
Sec. 312. Necessity of military low-level flight training to protect national security and enhance military readiness.
Sec. 313. Use of environmental restoration accounts to relocate activities from defense environmental restoration sites.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 321. Use of appropriated funds to cover operating expenses of commissary stores.
Sec. 322. Adjustment of sales prices of commissary store goods and services to cover certain expenses.
Sec. 323. Use of surcharges for construction and improvement of commissary stores.
Sec. 324. Inclusion of magazines and other periodicals as an authorized commissary merchandise category.
Sec. 325. Use of most economical distribution method for distilled spirits.
Sec. 326. Report on effects of availability of slot machines on United States military installations overseas.

Subtitle D—Performance of Functions by Private-Sector Sources

Sec. 331. Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance.
Sec. 332. Limitation on use of funds for Navy Marine Corps intranet contract.

Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Eligibility for attendance at Department of Defense domestic dependent elementary and secondary schools.

Subtitle F—Military Readiness Issues

Sec. 351. Additional capabilities of, and reporting requirements for, the readiness reporting system.
Sec. 352. Reporting requirements regarding transfers from high-priority readiness appropriations.
Sec. 353. Department of Defense strategic plan to reduce backlog in maintenance and repair of defense facilities.

Subtitle G—Other Matters

Sec. 361. Authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense.
Sec. 362. Annual report on public sale of certain military equipment identified on United States Munitions List.
Sec. 363. Registration of certain information technology systems with chief information officer.
Sec. 364. Studies and reports required as precondition to certain manpower reductions.
Sec. 365. National Guard assistance for certain youth and charitable organizations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Adjustment to end strength flexibility authority.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

Sec. 501. Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency.
Sec. 502. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by secretary concerned.
Sec. 503. Technical correction to retired grade rule for Army and Air Force officers.

Sec. 504. Extension to end of calendar year of expiration date for certain force drawdown transition authorities.
Sec. 505. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.
Sec. 506. Voluntary Separation Incentive.
Sec. 507. Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members.

Subtitle B—Reserve Component Personnel Policy

Sec. 511. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.
Sec. 512. Exemption of reserve component medical and dental officers from counting in grade strengths.
Sec. 513. Continuation of officers on the reserve active status list without requirement for application.
Sec. 514. Authority to retain reserve component chaplains and officers in medical specialties until specified age.
Sec. 515. Authority for temporary increase in number of reserve component personnel serving on active duty or full-time National Guard duty in certain grades.
Sec. 516. Authority for provision of legal services to reserve component members following release from active duty.
Sec. 517. Entitlement to separation pay for reserve officers released from active duty upon declining selective continuation on active duty after second failure of selection for promotion.
Sec. 518. Extension of involuntary civil service retirement date for certain reserve technicians.

Subtitle C—Education and Training

Sec. 521. College tuition assistance program for pursuit of degrees by members of the Marine Corps Platoon Leaders Class program.
Sec. 522. Review of allocation of Junior Reserve Officers Training Corps units among the services.
Sec. 523. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.

Subtitle D—Decorations, Awards, and Commendations

Sec. 531. Authority for award of the Medal of Honor to Andrew J. Smith for valor during the Civil War.
Sec. 532. Authority for award of the Medal of Honor to Ed W. Freeman for valor during the Vietnam Conflict.
Sec. 533. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.
Sec. 534. Waiver of time limitations for award of Navy Distinguished Flying Cross to certain persons.
Sec. 535. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. ARIZONA who died in the Japanese attack on Pearl Harbor on December 7, 1941.
Sec. 536. Sense of Congress regarding final crew of U.S.S. INDIANAPOLIS.
Sec. 537. Posthumous advancement of Rear Admiral (retired) Husband E. Kimmel and Major General (retired) Walter C. Short on retired lists.
Sec. 538. Commendation of citizens of Remy, France, for World War II actions.

Subtitle E—Military Justice Matters

Sec. 541. Recognition by States of military testamentary instruments.
Sec. 542. Probable cause required for entry of names of subjects into official criminal investigative reports.
Sec. 543. Collection and use of DNA identification information from violent and sexual offenders in the Armed Forces.
Sec. 544. Limitation on Secretarial authority to grant clemency for military prisoners serving sentence of confinement for life without eligibility for parole.
Sec. 545. Authority for civilian special agents of military department criminal investigative organizations to execute warrants and make arrests.

Subtitle F—Other Matters

Sec. 551. Funeral honors duty compensation.
Sec. 552. Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.
Sec. 553. National Guard Challenge program.
Sec. 554. Study of use of civilian contractor pilots for operational support missions.
Sec. 555. Pilot program to enhance military recruiting by improving military awareness of school counselors and educators.
Sec. 556. Reimbursement for expenses incurred by members in connection with cancellation of leave on short notice.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2001.
Sec. 602. Revised method for calculation of basic allowance for subsistence.
Sec. 603. Family subsistence supplemental allowance for low-income members of the Armed Forces.
Sec. 604. Calculation of basic allowance for housing for inside the United States.
Sec. 605. Equitable treatment of junior enlisted members in computation of basic allowance for housing.
Sec. 606. Basic allowance for housing authorized for additional members without dependents who are on sea duty.
Sec. 607. Personal money allowance for senior enlisted members of the Armed Forces.
Sec. 608. Allowance for officers for purchase of required uniforms and equipment.
Sec. 609. Increase in monthly subsistence allowance for members of precommissioning programs.
Sec. 610. Additional amount available for fiscal year 2001 increase in basic allowance for housing inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 614. Consistency of authorities for special pay for reserve medical and dental officers.
Sec. 615. Special pay for Coast Guard physician assistants.
Sec. 616. Special duty assignment pay for enlisted members.
Sec. 617. Revision of career sea pay.
Sec. 618. Revision of enlistment bonus authority.
Sec. 619. Authorization of retention bonus for members of the Armed Forces qualified in a critical military skill.
Sec. 620. Elimination of required congressional notification before implementation of certain special pay authority.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Advance payments for temporary lodging of members and dependents.
Sec. 632. Additional transportation allowance regarding baggage and household effects.
Sec. 633. Equitable dislocation allowances for junior enlisted members.
Sec. 634. Authority to reimburse military recruiters, Senior ROTC cadre, and military entrance processing personnel for certain parking expenses.
Sec. 635. Expansion of funded student travel for dependents.

Subtitle D—Retirement and Survivor Benefit Matters

Sec. 641. Increase in maximum number of reserve retirement points that may be credited in any year.
Sec. 642. Reserve component survivor benefit plan spousal consent requirement.

Subtitle E—Other Matters

Sec. 651. Participation in Thrift Savings Plan.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities.
Sec. 702. Medical and dental care for medal of honor recipients.
Sec. 703. Provision of domiciliary and custodial care for CHAMPUS beneficiaries and certain former CHAMPUS beneficiaries.
Sec. 704. Demonstration project for expanded access to mental health counselors.
Sec. 705. Teleradiology demonstration project.

Subtitle B—TRICARE Program

Sec. 711. Additional beneficiaries under TRICARE Prime Remote program in the continental United States.
Sec. 712. Elimination of copayments for immediate family.
Sec. 713. Modernization of TRICARE business practices and increase of use of military treatment facilities.
Sec. 714. Claims processing improvements.
Sec. 715. Prohibition against requirement for prior authorization for certain referrals; report on nonavailability-of-health-care statements.
Sec. 716. Authority to establish special locality-based reimbursement rates; reports.
Sec. 717. Reimbursement for certain travel expenses.
Sec. 718. Reduction of catastrophic cap.
Sec. 719. Report on protections against health care providers seeking direct reimbursement from members of the uniformed services.

Sec. 720. Disenrollment process for TRICARE retiree dental program.

Subtitle C—Health Care Programs for Medicare-Eligible Department of Defense Beneficiaries

Sec. 721. Implementation of TRICARE senior pharmacy program.
Sec. 722. Study on health care options for medicare-eligible military retirees.
Sec. 723. Extended coverage under Federal Employees Health Benefits Program.
Sec. 724. Extension of TRICARE senior supplement program.
Sec. 725. Extension of TRICARE senior prime demonstration project.

Subtitle D—Other Matters

Sec. 731. Training in health care management and administration.
Sec. 732. Study of accrual financing for health care for military retirees.
Sec. 733. Tracking patient safety in military medical treatment facilities.
Sec. 734. Pharmaceutical identification technology.
Sec. 735. Management of vaccine immunization program.
Sec. 736. Study on feasibility of sharing biomedical research facility.
Sec. 737. Chiropractic health care for members on active duty.
Sec. 738. VA-DOD sharing agreements for health services.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Extension of authority for Department of Defense acquisition pilot programs; reports required.
Sec. 802. Technical data rights for items developed exclusively at private expense.
Sec. 803. Management of acquisition of mission-essential software for major defense acquisition programs.
Sec. 804. Extension of waiver period for live-fire survivability testing for MH–47E and MH–60K helicopter modification programs.
Sec. 805. Three-year extension of authority of Defense Advanced Research Projects Agency to carry out certain prototype projects.
Sec. 806. Certification of major automated information systems as to compliance with Clinger-Cohen Act.
Sec. 807. Limitations on procurement of certain items.
Sec. 808. Multiyear services contracts.
Sec. 809. Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure.
Sec. 810. Prohibition against use of Department of Defense funds to give or withhold a preference to a marketer or vendor of firearms or ammunition.
Sec. 811. Study and report on practice of contract bundling in military construction contracts.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Change of title of certain positions in the Headquarters, Marine Corps.
Sec. 902. Further reductions in defense acquisition and support workforce.
Sec. 903. Clarification of scope of inspector general authorities under military whistleblower law.
Sec. 904. Report on number of personnel assigned to legislative liaison functions.
Sec. 905. Joint report on establishment of national collaborative information analysis capability.
Sec. 906. Organization and management of Civil Air Patrol.
Sec. 907. Report on Network Centric Warfare.
Sec. 908. Defense Institute for Hemispheric Security Cooperation.
Sec. 909. Department of Defense regional centers for security studies.
Sec. 910. Change in name of Armed Forces Staff College to Joint Forces Staff College.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 2000.
Sec. 1004. Contingent repeal of certain provisions shifting certain outlays from one fiscal year to another.
Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2001.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. National Defense Features Program.

Subtitle C—Counter-Drug Activities

Sec. 1021. Report on Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1022. Report on tethered aerostat radar system.

Subtitle D—Other Matters

Sec. 1031. Funds for administrative expenses under Defense Export Loan Guarantee program.
Sec. 1032. Technical and clerical amendments.
Sec. 1033. Transfer of Vietnam era TA–4 aircraft to nonprofit foundation.
Sec. 1034. Transfer of 19th century cannon to museum.
Sec. 1035. Expenditures for declassification activities.
Sec. 1036. Authority to provide loan guarantees to improve domestic preparedness to combat cyberterrorism.
Sec. 1037. V–22 cockpit aircraft voice and flight data recorders.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Employment and compensation provisions for employees of temporary organizations established by law or executive order.
Sec. 1102. Restructuring the restriction on degree training.
Sec. 1103. Continuation of tuition reimbursement and training for certain acquisition personnel.
Sec. 1104. Extension of authority for civilian employees of the Department of Defense to participate voluntarily in reductions in force.
Sec. 1105. Expansion of defense civilian intelligence personnel system positions.
Sec. 1106. Pilot program for reengineering the equal employment opportunity complaint process.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
Sec. 1202. Annual report assessing effect of continued operations in the Balkans region on readiness to execute the national military strategy.
Sec. 1203. Situation in the Balkans.
Sec. 1204. Limitation on number of military personnel in Colombia.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition on use of funds for elimination of conventional weapons.
Sec. 1304. Limitations on use of funds for fissile material storage facility.
Sec. 1305. Limitation on use of funds until submission of multiyear plan.
Sec. 1306. Russian nonstrategic nuclear arms.
Sec. 1307. Limitation on use of funds to support warhead dismantlement processing.
Sec. 1308. Agreement on nuclear weapons storage sites.
Sec. 1309. Prohibition on use of funds for construction of fossil fuel energy plants.
Sec. 1310. Audits of Cooperative Threat Reduction programs.
Sec. 1311. Limitation on use of funds for prevention of biological weapons proliferation in Russia.

TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK

Sec. 1401. Establishment of commission.
Sec. 1402. Duties of commission.
Sec. 1403. Report.
Sec. 1404. Powers.
Sec. 1405. Commission procedures.
Sec. 1406. Personnel matters.
Sec. 1407. Miscellaneous administrative provisions.
Sec. 1408. Funding.
Sec. 1409. Termination of the commission.

TITLE XV—PROVISIONS REGARDING VIEQUES ISLAND, PUERTO RICO

Sec. 1501. Conditions on disposal of Naval Ammunition Support Detachment, Vieques Island.
Sec. 1502. Retention of eastern portion of Vieques Island.
Sec. 1503. Limitations on military use of Vieques Island.
Sec. 1504. Economic assistance for residents of Vieques Island.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 1999 project.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out fiscal year 1997 project at Marine Corps Combat Development Command, Quantico, Virginia.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1998 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1997 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Revision of limitations on space by pay grade.
Sec. 2802. Leasing of military family housing, United States Southern Command, Miami, Florida.
Sec. 2803. Extension of alternative authority for acquisition and improvement of military housing.
Sec. 2804. Expansion of definition of armory to include readiness centers.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Increase in threshold for notice and wait requirements for real property transactions.
Sec. 2812. Enhancement of authority of military departments to lease non-excess property.
Sec. 2813. Conveyance authority regarding utility systems of military departments.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Transfer of jurisdiction, Rock Island Arsenal, Illinois.
Sec. 2832. Land conveyance, Army Reserve Center, Galesburg, Illinois.
Sec. 2833. Land conveyance, Army Reserve Center, Winona, Minnesota.
Sec. 2834. Land conveyance, Fort Polk, Louisiana.
Sec. 2835. Land conveyance, Fort Pickett, Virginia.
Sec. 2836. Land conveyance, Fort Dix, New Jersey.
Sec. 2837. Land conveyance, Nike Site 43, Elrama, Pennsylvania.
Sec. 2838. Land exchange, Fort Hood, Texas.
Sec. 2839. Land conveyance, Charles Melvin Price Support Center, Illinois.
Sec. 2840. Land conveyance, Army Reserve Local Training Center, Chattanooga, Tennessee.

PART II—NAVY CONVEYANCES

Sec. 2851. Modification of authority for Oxnard Harbor District, Port Hueneme, California, to use certain Navy property.
Sec. 2852. Modification of land conveyance, Marine Corps Air Station, El Toro, California.
Sec. 2853. Transfer of jurisdiction, Marine Corps Air Station, Miramar, California.
Sec. 2854. Lease of property, Marine Corps Air Station, Miramar, California.
Sec. 2855. Lease of property, Naval Air Station, Pensacola, Florida.
Sec. 2856. Land exchange, Marine Corps Recruit Depot, San Diego, California.
Sec. 2857. Land exchange, Naval Air Reserve Center, Columbus, Ohio.
Sec. 2858. Land conveyance, Naval Reserve Center, Tampa, Florida.

PART III—AIR FORCE CONVEYANCES

Sec. 2861. Land conveyance, Wright Patterson Air Force Base, Ohio.
Sec. 2862. Land conveyance, Point Arena Air Force Station, California.
Sec. 2863. Land conveyance, Los Angeles Air Force Base, California.

PART IV—OTHER CONVEYANCES

Sec. 2871. Conveyance of Army and Air Force Exchange Service property, Farmers Branch, Texas.

Subtitle D—Other Matters

Sec. 2881. Relation of easement authority to leased parkland, Marine Corps Base, Camp Pendleton, California.
Sec. 2882. Extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
Sec. 2883. Establishment of World War II memorial on Guam.
Sec. 2884. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.
Sec. 2885. Designation of building at Fort Belvoir, Virginia, in honor of Andrew T. McNamara.
Sec. 2886. Designation of Balboa Naval Hospital, San Diego, California, in honor of Bob Wilson, a former Member of the House of Representatives.
Sec. 2887. Sense of Congress regarding importance of expansion of National Training Center, Fort Irwin, California.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense facilities closure projects.
Sec. 3105. Defense environmental management privatization.
Sec. 3106. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Availability of funds.
Sec. 3128. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Funding for termination costs for tank waste remediation system environmental project, Richland, Washington.
Sec. 3132. Enhanced cooperation between National Nuclear Security Administration and Ballistic Missile Defense Organization.
Sec. 3133. Required contents of future-years nuclear security program to be submitted with fiscal year 2002 budget and limitation on the obligation of certain funds pending submission of that program.
Sec. 3134. Limitation on obligation of certain funds.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.
Sec. 3302. Use of excess titanium sponge in the National Defense Stockpile to manufacture Department of Defense equipment.

TITLE XXXIV—MARITIME ADMINISTRATION

Sec. 3401. Authorization of appropriations for fiscal year 2001.
Sec. 3402. Extension of period for disposal of obsolete vessels in the National Defense Reserve Fleet.
Sec. 3403. Authority to convey National Defense Reserve Fleet vessel, GLACIER.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Army as follows:

(1) For aircraft, $1,542,762,000.

(2) For missiles, $1,367,681,000.

(3) For weapons and tracked combat vehicles, $2,167,938,000.

(4) For ammunition, $1,199,323,000.

(5) For other procurement, $4,095,270,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Navy as follows:

(1) For aircraft, $8,205,758,000.

(2) For weapons, including missiles and torpedoes, $1,562,250,000.

(3) For shipbuilding and conversion, $11,981,968,000.

(4) For other procurement, $3,432,011,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Marine Corps in the amount of $1,254,735,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement of ammunition for the Navy and the Marine Corps in the amount of $481,349,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Air Force as follows:

(1) For aircraft, $10,267,153,000.

(2) For missiles, $3,046,715,000.

(3) For ammunition, $638,808,000.

(4) For other procurement, $7,869,903,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

(a) AMOUNT AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 2001 for Defense-wide procurement in the amount of $2,309,074,000.

(b) AMOUNT FOR NATIONAL MISSILE DEFENSE.—Of the funds authorized to be appropriated in subsection (a), $74,500,000 shall be

available for the National Missile Defense program.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Inspector General of the Department of Defense in the amount of $3,300,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2001 the amount of $877,100,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $290,006,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY.

(a) M2A3 BRADLEY FIGHTING VEHICLE.—(1) Beginning with the fiscal year 2001 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of M2A3 Bradley fighting vehicles.

(2) The Secretary of the Army may execute a contract authorized by paragraph (1) only after—

(A) there is a successful completion of a M2A3 Bradley initial operational test and evaluation (IOT&E); and

(B) the Secretary certifies in writing to the congressional defense committees that the vehicle met all required test parameters.

(b) UTILITY HELICOPTERS.—Beginning with the fiscal year 2002 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of UH–60 Blackhawk utility helicopters and, acting as executive agent for the Department of the Navy, CH–60 Knighthawk utility helicopters.

SEC. 112. INCREASE IN LIMITATION ON NUMBER OF BUNKER DEFEAT MUNITIONS THAT MAY BE ACQUIRED.

Section 116(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2862) is amended by striking ''6,000'' and inserting ''8,500''.

SEC. 113. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

(a) EXPANSION OF AUTHORITY.—The Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended—

(1) in section 193—

(A) in subsection (a), by striking ''2001'' and inserting ''2002''; and

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

''(d) INCLUSION OF MANUFACTURING ARSENALS.—For purposes of this Act, a manufacturing arsenal of the Department of the Army shall be treated as a Government-owned, contractor-operated manufacturing facility of the Department of the Army.''; and

(2) in section 194—

(A) by striking subsection (a)(1) and inserting the following:

''(1) to use the facility for any period of time that the Secretary determines is appropriate for the accomplishment of, and consistent with, the needs of the Department of the Army and the purposes of the ARMS Initiative; and''; and

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

''(c) AUTHORITY TO ACCEPT NON-MONETARY CONSIDERATION FOR USE OF FACILITIES.—The Secretary may accept non-monetary consideration in lieu of rental payments for use of a facility under a contract entered into under this section.''.

(b) REPORT.—Not later than July 1, 2001, the Secretary of the Army shall submit to the congressional defense committees a report on the progress of the implementation of the ARMS Initiative at manufacturing arsenals of the Department of the Army under the Armament Retooling and Manufacturing Support Act of 1992 (as amended by subsection (a)). The report shall contain a comprehensive review of contracting at the manufacturing arsenals of the Department of the Army and such recommendations as the Secretary considers appropriate.

Subtitle C—Navy Programs

SEC. 121. SUBMARINE FORCE STRUCTURE.

(a) LIMITATION ON RETIREMENT OF SUBMARINES.—The Secretary of Defense may not retire from the active force structure of the Navy any Los Angeles class nuclear-powered attack submarine (SSN) which has less than 30 years of active service.

(b) REPORT.—Not later than April 15, 2001, the President shall submit to Congress a report on the required force structure for nuclear-powered submarines, including attack submarines (SSNs), ballistic missile submarines (SSBNs), and cruise missile submarines (SSGNs), to support the national military strategy through 2020. The report shall include a detailed discussion of the acquisition strategy and fleet maintenance requirements to achieve and maintain that force structure through—

(1) the procurement of new construction submarines;

(2) the refueling of Los Angeles class attack submarines (SSNs) to achieve the maximum amount of operational useful service; and

(3) the conversion of Ohio class submarines that are no longer required for the strategic deterrence mission from their current ballistic missile (SSBN) configuration to a cruise-missile (SSGN) configuration.

SEC. 122. VIRGINIA CLASS SUBMARINE PROGRAM.

(a) CONTRACT AUTHORITY.—The Secretary of the Navy is authorized to enter into a contract or contracts for the procurement of five Virginia class submarines during fiscal years 2003 through 2006. Any such contract shall provide that any obligation of the United States to make payments under the contract is subject to the availability of funds provided in advance in appropriations Acts. The submarines authorized to be procured under this subsection are in addition to the submarines authorized under section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648).

(b) SHIPBUILDER TEAMING.—Paragraphs (2)(A), (3), and (4) of section 121(b) of National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) apply to the procurement of submarines under this section.

(c) LIMITATION OF LIABILITY.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the Virginia class submarine program.

SEC. 123. RETENTION OF CONFIGURATION OF CERTAIN NAVAL RESERVE FRIGATES.

For each FFG–7 class frigate produced in Flight I or Flight II of that class that is commissioned in active service, the Secretary of the Navy shall, for so long as the vessel remains commissioned in active service—

(1) provide for the vessel to be configured and equipped with the complete organic weapons system capability for that vessel, as specified in the Navy's Operational Requirements Document; and

(2) retain those operational assets that are integral to the FFG–7 weapons system in their current (as of the enactment of this Act) locations in order to avoid disruption of established training and operational cycles.

SEC. 124. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS.

(a) AUTHORITY FOR ADDITIONAL MULTIYEAR PROCUREMENT.—Section 122(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 534), is amended—

(1) in the first sentence, by striking ''18 Arleigh Burke class destroyers'' and all that follows through ''2003'' and inserting ''Arleigh Burke class destroyers''; and

(2) by inserting after the first sentence the following new sentence: ''Vessels authorized under this subsection shall be acquired at a procurement rate of three ships per year in each of fiscal years 1998 through 2001 and up to three ships per year in each of fiscal years 2002 through 2005.''.

(b) CLERICAL AMENDMENT.—The heading for such subsection is amended by striking ''OF 18 VESSELS''.

Subtitle D—Air Force Programs

SEC. 131. ANNUAL REPORT ON OPERATIONAL STATUS OF B–2 BOMBER.

(a) IN GENERAL.—(1) Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2282. B–2 bomber: annual report on operational status

''Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the operational status of the B–2 bomber. Each such report shall include the following:

''(1) An assessment as to whether the B–2 aircraft has a high probability of being able to perform its intended missions.

''(2) Identification of all planned or ongoing development of technologies to enhance B–2 aircraft capabilities for which funds are programmed in the future years defense program and an assessment as to whether those technologies—

''(A) are consistent with the Air Force bomber roadmap in effect at the time of the report;

''(B) are consistent with the recommendations of the report of the Long-Range Air Power panel established by section 8131 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56); and

''(C) will be sufficient to assure that the B–2 aircraft will have a high probability of being able to perform its intended missions in the future.

''(3) Definition of any additional technology development required to assure that the B–2 aircraft will retain a high probability of being able to perform its intended missions and an estimate of the funding required to develop those additional technologies.

''(4) An assessment as to whether the technologies identified pursuant to paragraph (2) are adequately funded in the budget request for the next fiscal year and whether funds have been identified throughout the future years defense program to continue those technology developments at an adequate level.''.

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

''2282. B–2 bomber: annual report on operational status.''.

(b) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) is repealed.

Subtitle E—Joint Programs

SEC. 141. STUDY OF PRODUCTION ALTERNATIVES FOR THE JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report providing the results of a study of production alternatives for the Joint Strike Fighter aircraft program and the effects on the tactical fighter aircraft industrial base of each alternative considered.

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

(1) Examination of alternative production strategies for the program, including—

(A) production of all aircraft under the program at one location;

(B) production at dual locations; and

(C) production at multiple locations using facilities of the existing bomber and fighter aircraft production base.

(2) Identification of each major Government or industry facility that is a potential location for production of such aircraft.

(3) Identification of the anticipated costs of production of that aircraft at each facility identified pursuant to paragraph (2) under each of the alternative production strategies examined pursuant to paragraph (1), based upon a reasonable profile for the annual procurement of that aircraft once it enters production.

(4) A comparison, for each such production strategy, of the anticipated costs of carrying out production of that aircraft at each such location with the costs of carrying out such production at each of the other such locations.

(c) COST COMPARISON.—In identifying costs under subsection (b)(3) and carrying out the cost comparisons required by subsection (b)(4), the Secretary shall include consideration of each of the following factors:

(1) State tax credits.

(2) State and local incentives.

(3) Skilled resident workforce.

(4) Supplier and technical support bases.

(5) Available stealth production facilities.

(6) Environmental standards.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $5,500,246,000.

(2) For the Navy, $8,834,477,000.

(3) For the Air Force, $13,677,108,000.

(4) For Defense-wide activities, $11,297,323,000, of which $219,560,000 is authorized for Operational Test and Evaluation, Defense.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2001.—Of the amounts authorized to be appropriated by section 201, $4,435,354,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term ''basic research and applied research'' means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. HIGH ENERGY LASER PROGRAMS.

(a) FUNDING FOR FISCAL YEAR 2001.—(1) Of the amount authorized to be appropriated by section 201(4), $30,000,000 is authorized for high energy laser development.

(2) Funds available under this section are available to supplement the high energy laser programs of the military departments and Defense Agencies, as determined by the official designated under subsection (b).

(b) DESIGNATION OF OFFICIAL FOR HIGH ENERGY LASER PROGRAMS.—(1) The Secretary of Defense shall designate a senior civilian official in the Office of the Secretary of Defense (in this section referred to as the ''designated official'') to carry out responsibilities for the programs for which funds are provided under this section. The designated official shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics for matters concerning the responsibilities specified in paragraph (2).

(2) The primary responsibilities of the designated official shall include the following:

(A) Establishment of priorities for the high energy laser programs of the military departments and the Defense Agencies.

(B) Coordination of high energy laser programs among the military departments and the Defense Agencies.

(C) Identification of promising high energy laser technologies for which funding should be a high priority for the Department of Defense and establishment of priority for funding among those technologies.

(D) Preparation, in coordination with the Secretaries of the military departments and the Directors of the Defense Agencies, of a detailed technology plan to develop and mature high energy laser technologies.

(E) Planning and programming appropriate to rapid evolution of high energy laser technology.

(F) Ensuring that high energy laser programs of each military department and the Defense Agencies are initiated and managed effectively and are complementary with programs managed by the other military departments and Defense Agencies and by the Office of the Secretary of Defense.

(G) Ensuring that the high energy laser programs of the military department and the Defense Agencies comply with the requirements specified in subsection (c).

(c) COORDINATION AND FUNDING BALANCE.—In carrying out the responsibilities specified in subsection (b)(2), the designated official shall ensure that—

(1) high energy laser programs of each military department and of the Defense Agencies are consistent with the priorities identified in the designated official's planning and programming activities;

(2) funding provided by the Office of the Secretary of Defense for high energy laser research and development complements high energy laser programs for which funds are provided by the military departments and the Defense Agencies;

(3) beginning with fiscal year 2002, funding from the Office of the Secretary of Defense in applied research and advanced technology development program elements is not applied to technology efforts in support of high energy laser programs that are not funded by a military department or the Defense Agencies; and

(4) funding from the Office of the Secretary of Defense to complement an applied research or advanced technology development high energy laser program for which funds are provided by one of the military departments or the Defense Agencies do not exceed the amount provided by the military department or the Defense Agencies for that program.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should establish funding for high energy laser programs within the science and technology programs of each of the military departments and the Ballistic Missile Defense Organization; and

(2) the Secretary of Defense should establish a goal that basic, applied, and advanced research in high energy laser technology should constitute at least 4.5 percent of the total science and technology budget of the Department of Defense by fiscal year 2004.

(e) INTERAGENCY MEMORANDUM OF AGREEMENT.—(1) The Secretary of Defense and the Administrator for Nuclear Security of the Department of Energy shall enter into a memorandum of agreement to conduct joint research and development on military applications of high energy lasers.

(2) The projects pursued under the memorandum of agreement—

(A) shall be of mutual benefit to the national security programs of the Department of Defense and the National Nuclear Security Administration of the Department of Energy;

(B) shall be prioritized jointly by officials designated to do so by the Secretary of Defense and the Administrator; and

(C) shall be consistent with the technology plan prepared pursuant to subsection (b)(2) and the requirements identified in subsection (c).

(3) Costs of each project pursued under the memorandum of agreement shall be shared equally by the Department of Defense and the National Nuclear Security Administration.

(4) The memorandum of agreement shall provide for appropriate peer review of projects pursued under the memorandum of agreement.

(f) TECHNOLOGY PLAN.—The designated official shall submit to the congressional defense committees by February 15 of each fiscal year the technology plan prepared pursuant to subsection (b)(2). The report shall be submitted in unclassified and, if necessary, classified form.

(g) ANNUAL REPORT.—Not later than February 15 of 2001, 2002, and 2003, the Secretary of Defense shall submit to the congressional defense committees a report on high energy laser programs of the Department of Defense. Each report shall include an assessment of the following:

(1) The adequacy of the management structure of the Department of Defense for high energy laser programs.

(2) The funding available for high energy laser programs.

(3) The technical progress achieved for high energy laser programs.

(4) The extent to which goals and objectives of the high energy laser technology plan have been met.

(h) DEFINITION.—For purposes of this section, the term ''high energy laser'' means a laser that has average power in excess of one kilowatt and that has potential weapons applications.

SEC. 212. MANAGEMENT OF SPACE-BASED INFRARED SYSTEM—LOW.

The Secretary of Defense shall direct that the Director of the Ballistic Missile Defense Organization shall have authority for program management for the ballistic missile defense program known on the date of the enactment of this Act as the Space-Based Infrared System—Low.

SEC. 213. JOINT STRIKE FIGHTER.

The Joint Strike Fighter program may not be approved for entry into the Engineering and Manufacturing Development (EMD) stage of the acquisition process until the Secretary of Defense certifies to the congressional defense committees that the technological maturity of key technologies for the program is sufficient to warrant entry of the program into the Engineering and Manufacturing Development stage.

Subtitle C—Ballistic Missile Defense

SEC. 231. FUNDING FOR FISCAL YEAR 2001.

Of the funds authorized to be appropriated in section 201(4), $2,066,200,000 shall be available for the National Missile Defense program.

SEC. 232. SENSE OF CONGRESS CONCERNING COMMITMENT TO DEPLOYMENT OF NATIONAL MISSILE DEFENSE SYSTEM.

(a) STATEMENT OF POLICY.—Congress reaffirms the policy of the United States declared in the National Missile Defense Act of 1999 (Public Law 106–38, signed into law by the President on July 22, 1999).

(b) FINDINGS.—Congress makes the following findings:

(1) An effective National Missile Defense system is technologically feasible.

(2) Hostile ''rogue'' nations are capable of posing missile threats the United States which

justify deployment of a National Missile Defense system.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the action of the President in signing the National Missile Defense Act of 1999 entails a commitment by the President to execute the policy declared in that Act.

SEC. 233. REPORTS ON BALLISTIC MISSILE THREAT POSED BY NORTH KOREA.

(a) REPORT ON BALLISTIC MISSILE THREAT.—Not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, or 60 days after the date of the enactment of this Act, whichever is sooner, the President shall submit to Congress, in classified and unclassified form, a report on the North Korean ballistic missile threat to the United States. The report shall include the following:

(1) An assessment of the current North Korean missile threat to the 50 States.

(2) An assessment of whether the United States is capable of defeating the North Korean long-range missile threat to the United States as of the date of the report.

(3) An assessment of when the United States will be capable of defeating the North Korean missile threat to the United States.

(4) An assessment of the potential for proliferation of North Korean missile technologies to other states and whether such proliferation will accelerate the development of additional long-range ballistic missile threats to the United States.

(b) REPORT ON REDUCING VULNERABILITY.—Not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, the President shall submit to Congress a report providing the following:

(1) Any additional steps the President intends to take to reduce the period of time during which the Nation is vulnerable to the North Korean long-range ballistic missile threat.

(2) The technical and programmatic viability of testing any other missile defense systems against targets with flight characteristics similar to the North Korean long-range missile threat, and plans to do so if such tests are considered to be a viable alternative.

SEC. 234. PLAN TO MODIFY BALLISTIC MISSILE DEFENSE ARCHITECTURE TO COVER INTERMEDIATE-RANGE BALLISTIC MISSILE THREATS.

(a) PLAN.—The Director of the Ballistic Missile Defense Organization shall develop a plan to adapt ballistic missile defense systems and architectures to counter potential threats to the United States, United States forces deployed outside the United States, and other United States national security interests that are posed by ballistic missiles with ranges of 1,500 to 2,500 miles.

(b) USE OF SPACE-BASED SENSORS INCLUDED.—The plan shall include—

(1) potential use of space-based sensors, including the SBIRS Low and SBIRS High systems, Navy theater missile defense assets, upgrades of land-based theater missile defenses, the airborne laser, and other assets available in the European theater; and

(2) a schedule for ground and flight testing against the identified threats.

(c) REPORT.—The Secretary of Defense shall assess the plan and, not later than February 15, 2001, shall submit to the congressional defense committees a report on the results of the assessment.

SEC. 235. DESIGNATION OF AIRBORNE LASER PROGRAM AS A PROGRAM ELEMENT OF BALLISTIC MISSILE DEFENSE PROGRAM.

Section 223(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(13) Airborne Laser program.''.

Subtitle D—Other Matters

SEC. 241. RECOGNITION OF THOSE INDIVIDUALS INSTRUMENTAL TO NAVAL RESEARCH EFFORTS DURING THE PERIOD FROM BEFORE WORLD WAR II THROUGH THE END OF THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The contributions of the Nation's scientific community and of science research to the victory of the United States and its allies in World War II resulted in the understanding that science and technology are of critical importance to the future security of the Nation.

(2) Academic institutions and oceanographers provided vital support to the Navy and the Marine Corps during World War II.

(3) Congress created the Office of Naval Research in the Department of the Navy in 1946 to ensure the availability of resources for research in oceanography and other fields related to the missions of the Navy and Marine Corps.

(4) The Office of Naval Research of the Department of the Navy, in addition to its support of naval research within the Federal Government, has also supported the conduct of oceanographic and scientific research through partnerships with educational and scientific institutions throughout the Nation.

(5) These partnerships have long been recognized as among the most innovative and productive research partnerships ever established by the Federal Government and have resulted in a vast improvement in understanding of basic ocean processes and the development of new technologies critical to the security and defense of the Nation.

(b) CONGRESSIONAL RECOGNITION AND APPRECIATION.—Congress—

(1) applauds the commitment and dedication of the officers, scientists, researchers, students, and administrators who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions, including those individuals who helped forge that program before World War II, implement it during World War II, and improve it throughout the Cold War;

(2) recognizes that the Nation, in ultimately prevailing in the Cold War, relied to a significant extent on research supported by, and technologies developed through, those partnerships and, in particular, on the superior understanding of the ocean environment generated through that research;

(3) supports efforts by the Secretary of the Navy and the Chief of Naval Research to honor those individuals, who contributed so greatly and unselfishly to the naval mission and the national defense, through those partnerships during the period beginning before World War II and continuing through the end of the Cold War; and

(4) expresses appreciation for the ongoing efforts of the Office of Naval Research to support oceanographic and scientific research and the development of researchers in those fields, to ensure that such partnerships will continue to make important contributions to the defense and the general welfare of the Nation.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $19,492,617,000.

(2) For the Navy, $23,321,809,000.

(3) For the Marine Corps, $2,851,678,000.

(4) For the Air Force, $22,351,164,000.

(5) For Defense-wide activities, $11,673,852,000.

(6) For the Army Reserve, $1,565,918,000.

(7) For the Naval Reserve, $967,646,000.

(8) For the Marine Corps Reserve, $150,469,000.

(9) For the Air Force Reserve, $1,890,859,000.

(10) For the Army National Guard, $3,236,835,000.

(11) For the Air National Guard, $3,461,875,000.

(12) For the Defense Inspector General, $144,245,000.

(13) For the United States Court of Appeals for the Armed Forces, $8,574,000.

(14) For Environmental Restoration, Army, $389,932,000.

(15) For Environmental Restoration, Navy, $294,038,000.

(16) For Environmental Restoration, Air Force, $376,300,000.

(17) For Environmental Restoration, Defense-wide, $23,412,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $186,499,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $55,800,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $841,500,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $25,000,000.

(22) For Defense Health Program, $11,571,523,000.

(23) For Cooperative Threat Reduction programs, $433,400,000.

(24) For Overseas Contingency Operations Transfer Fund, $4,100,577,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $916,276,000.

(2) For the National Defense Sealift Fund, $737,109,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of $69,832,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

Subtitle B—Environmental Provisions

SEC. 311. PAYMENT OF FINES AND PENALTIES IMPOSED FOR ENVIRONMENTAL VIOLATIONS.

(a) ARMY VIOLATIONS.—Using amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, the

Secretary of the Army may pay the following amounts in connection with environmental violations at the following locations:

(1) $993,000 for Walter Reed Army Medical Center, Washington, D.C., in satisfaction of a fine imposed by Region 3 of the Environmental Protection Agency for a supplemental environmental project.

(2) $377,250 for Fort Campbell, Kentucky, in satisfaction of a fine imposed by Region 4 of the Environmental Protection Agency for a supplemental environmental project.

(3) $20,701 for Fort Gordon, Georgia, in satisfaction of a fine imposed by the State of Georgia for a supplemental environmental project.

(4) $78,500 for Pueblo Chemical Depot, Colorado, in satisfaction of a fine imposed by the State of Colorado for supplemental environmental projects.

(5) $20,000 for Deseret Chemical Depot, Utah, in satisfaction of a fine imposed by the State of Utah for a supplemental environmental project.

(b) NAVY VIOLATIONS.—Using amounts authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, the Secretary of the Navy may pay not more than the following amounts in connection with environmental violations at the following military installations:

(1) $108,800 for Allegany Ballistics Laboratory, West Virginia, in satisfaction of a penalty imposed by the West Virginia Division of Environmental Protection.

(2) $5,000 for Naval Air Station, Corpus Christi, Texas, in satisfaction of a penalty imposed by Region 6 of the Environmental Protection Agency.

(c) REDUCTION IN PAYMENT AMOUNTS.—An amount specified in subsection (a) or (b) as the authorized payment for an environmental violation shall be reduced to reflect any amounts previously paid by the Secretary concerned in connection with that violation.

SEC. 312. NECESSITY OF MILITARY LOW-LEVEL FLIGHT TRAINING TO PROTECT NATIONAL SECURITY AND ENHANCE MILITARY READINESS.

(a) NECESSITY OF CURRENT TRAINING ROUTES AND AREAS.—The environmental impact statements completed as of the date of the enactment of this Act for each special use airspace designated by a military department for the performance of low-level training flights, including each military training route, slow speed route, military operations area, restricted area, or low altitude tactical navigation area, are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations implementing such law.

(b) PROTECTING FUTURE FLEXIBILITY OF NETWORK.—On and after the date of the enactment of this Act, a proposal by a military department to establish or to expand or otherwise modify a special use airspace for low-level training flights shall be considered separately to determine whether the proposal is a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969.

SEC. 313. USE OF ENVIRONMENTAL RESTORATION ACCOUNTS TO RELOCATE ACTIVITIES FROM DEFENSE ENVIRONMENTAL RESTORATION SITES

Subsection (b) of section 2703 of title 10, United States Code, is amended to read as follows:

''(b) OBLIGATION OF AUTHORIZED AMOUNTS.—(1) Funds authorized for deposit in an account under subsection (a) may be obligated or expended from the account only—

''(A) to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law; and

''(B) to relocate activities from defense sites, including sites formerly used by the Department of Defense that are released from Federal Government control, at which the Secretary is responsible for environmental restoration functions.

''(2) The authority provided by paragraph (1)(B) expires September 30, 2003. Not more than five percent of the funds deposited in an account under subsection (a) for a fiscal year may be used for activities under paragraph (1)(B).

''(3) If relocation assistance under paragraph (1)(B) is to be provided with respect to a site formerly used by the Department of Defense, but now released from Federal Government control, the Secretary of Defense or the Secretary of the military department concerned may use only fund transfer mechanisms otherwise available to the Secretary. The Secretary may not provide assistance under such paragraph for permanent relocation from the affected site unless the Secretary determines that permanent relocation is the most cost effective method of dealing with the activities located at the affected site and notifies the Congress of the determination before providing the assistance.

''(4) Funds authorized for deposit in an account under subsection (a) shall remain available until expended.''.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 321. USE OF APPROPRIATED FUNDS TO COVER OPERATING EXPENSES OF COMMISSARY STORES.

(a) IN GENERAL.—(1) Section 2484 of title 10, United States Code, is amended to read as follows:

''§2484. Commissary stores: use of appropriated funds to cover operating expenses

''(a) OPERATION OF AGENCY AND SYSTEM.—Except as otherwise provided in this title, the operation of the Defense Commissary Agency and the defense commissary system may be funded using such amounts as are appropriated for such purpose.

''(b) OPERATING EXPENSES OF COMMISSARY STORES.—Appropriated funds may be used to cover the expenses of operating commissary stores and central product processing facilities of the defense commissary system. For purposes of this subsection, operating expenses include the following:

''(1) Salaries of employees of the United States, host nations, and contractors supporting commissary store operations.

''(2) Utilities.

''(3) Communications.

''(4) Operating supplies and services.

''(5) Second destination transportation costs within or outside the United States.

''(6) Any cost associated with above-store level management or other indirect support of a commissary store or a central product processing facility, including equipment maintenance and information technology costs.''.

(2) The table of sections at the beginning of chapter 147 of such title is amended by striking the item relating to section 2484 and inserting the following new item:

''2484. Commissary stores: use of appropriated funds to cover operating expenses.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 322. ADJUSTMENT OF SALES PRICES OF COMMISSARY STORE GOODS AND SERVICES TO COVER CERTAIN EXPENSES.

(a) ADJUSTMENT REQUIRED.—Section 2486 of title 10, United States Code, is amended—

(1) in subsection (c), by striking ''section 2484(b) or'' and inserting ''subsection (d) or section''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''sections 2484 and'' and inserting ''section''; and

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

''(3) The sales price of merchandise and services sold in, at, or by commissary stores shall be adjusted to cover the following:

''(A) The cost of first destination commercial transportation of the merchandise in the United States to the place of sale.

''(B) The actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of commissary stores.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 323. USE OF SURCHARGES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORES.

(a) EXPANSION OF AUTHORIZED USES.—Subsection (b) of section 2685 of title 10, United States Code, is amended to read as follows:

''(b) USE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE.—(1) The Secretary of Defense may use the proceeds from the adjustments or surcharges authorized by subsection (a) only—

''(A) to acquire (including acquisition by lease), construct, convert, expand, improve, repair, maintain, and equip the physical infrastructure of commissary stores and central product processing facilities of the defense commissary system; and

''(B) to cover environmental evaluation and construction costs, including surveys, administration, overhead, planning, and design, related to activities described in paragraph (1).

''(2) In paragraph (1), the term 'physical infrastructure' includes real property, utilities, and equipment (installed and free standing and including computer equipment), necessary to provide a complete and usable commissary store or central product processing facility.''.

(b) AUTHORITY OF SECRETARY OF DEFENSE.—Such section is further amended—

(1) in subsection (a), by striking ''Secretary of a military department, under regulations established by him and approved by the Secretary of Defense,'' and inserting ''Secretary of Defense'';

(2) in subsection (c)—

(A) by striking ''Secretary of a military department, with the approval of the Secretary of Defense and'' and inserting ''Secretary of Defense, with the approval of''; and

(B) by striking ''Secretary of the military department determines'' and inserting ''Secretary determines''; and

(3) in subsection (d), by striking ''Secretary of a military department'' and inserting ''Secretary of Defense''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 324. INCLUSION OF MAGAZINES AND OTHER PERIODICALS AS AN AUTHORIZED COMMISSARY MERCHANDISE CATEGORY.

(a) ADDITIONAL AUTHORIZED CATEGORY.—Subsection (b) of section 2486 of title 10, United States Code, is amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following new paragraph:

''(11) Magazines and other periodicals.''.

(b) CONFORMING AMENDMENTS.—Subsection (f) of such section is amended—

(1) by striking ''(1)'' before ''Notwithstanding'';

(2) by striking ''items in the merchandise categories specified in paragraph (2)'' and inserting ''tobacco products''; and

(3) by striking paragraph (2).

SEC. 325. USE OF MOST ECONOMICAL DISTRIBUTION METHOD FOR DISTILLED SPIRITS.

Section 2488(c) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 326. REPORT ON EFFECTS OF AVAILABILITY OF SLOT MACHINES ON UNITED STATES MILITARY INSTALLATIONS OVERSEAS.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the Secretary of Defense shall submit to

Congress a report evaluating the effect that the ready availability of slot machines as a morale, welfare, and recreation activity on United States military installations outside of the United States has on members of the Armed Forces, their dependents, and other persons who use such slot machines, the morale of military communities overseas, and the personal financial stability of members of the Armed Forces.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report—

(1) an estimate of the number of persons who used such slot machines during the preceding two years and, of such persons, the percentage who were enlisted members (shown both in the aggregate and by pay grade), officers (shown both in the aggregate and by pay grade), Department of Defense civilians, other United States persons, and foreign nationals;

(2) to the extent feasible, information with respect to military personnel referred to in paragraph (1) showing the number (as a percentage and by pay grade) who have—

(A) sought financial services counseling at least partially due to the use of such slot machines;

(B) qualified for Government financial assistance at least partially due to the use of such slot machines; or

(C) had a personal check returned for insufficient funds or received any other nonpayment notification from a creditor at least partially due to the use of such slot machines; and

(3) to the extent feasible, information with respect to the average amount expended by each category of persons referred to in paragraph (1) in using such slot machines per visit, to be shown by pay grade in the case of military personnel.

Subtitle D—Performance of Functions by Private-Sector Sources

SEC. 331. INCLUSION OF ADDITIONAL INFORMATION IN REPORTS TO CONGRESS REQUIRED BEFORE CONVERSION OF COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.

(a) INFORMATION REQUIRED BEFORE COMMENCEMENT OF CONVERSION ANALYSIS.—Subsection (b)(1)(D) of section 2461 of title 10, United States Code, is amended by inserting before the period the following: '', and a certification that funds are specifically budgeted to pay for the cost of the analysis''.

(b) INFORMATION REQUIRED IN NOTIFICATION OF DECISION.—Subsection (c)(1) of such section is amended—

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

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

''(A) The date when the analysis of that commercial or industrial type function for possible change to performance by the private sector was commenced.''; and

(3) by inserting after subparagraph (D), as so redesignated, the following new subparagraph:

''(E) The number of Department of Defense civilian employees who were performing the function when the analysis was commenced and the number of such employees whose employment was terminated or otherwise adversely affected in implementing the most efficient organization of the function or whose employment will be terminated or otherwise adversely affected by the change to performance of the function by the private sector.''.

SEC. 332. LIMITATION ON USE OF FUNDS FOR NAVY MARINE CORPS INTRANET CONTRACT.

(a) IN GENERAL.—None of the funds authorized to be appropriated for fiscal year 2001 for the Department of the Navy may be obligated or expended to carry out a Navy Marine Corps Intranet contract until the date that is 60 days after the date that the Secretary submits to Congress the following information:

(1) Outcome-oriented performance measures regarding such contract.

(2) A description of the alternatives considered to such contract, and the factors relied on in determining not to pursue such alternatives.

(3) A description of the baseline of current costs to the Department of the Navy for performing information technology services that would be carried out under such contract and current mission capability regarding such services.

(4) An analysis of how civilian and military personnel who currently perform information technology functions would be impacted by such contract, including a description of—

(A) the number such personnel currently performing such functions at the Echelon I level;

(B) the number of such personnel who would no longer perform such functions as a result of the Navy Marine Corps Intranet contract, and what functions such personnel would perform after the implementation of such contract; and

(C) whether a reduction in force would be necessary as a result of such contract.

(5) A complete funding profile with respect to such contract, including a description of—

(A) the amount of funds obligated or expended in fiscal years 1999 and 2000 for information technology at the Echelon I level, and from what accounts such funds were obligated or expended; and

(B) the accounts from which funds would be used for the purpose of carrying out a Navy Marine Corps Intranet contract in fiscal year 2001 and throughout the period of the future-years defense plan of the Department of Defense.

(6) A risk assessment which—

(A) describes the probability of achieving cost, schedule, and performance goals with respect to such contract;

(B) categorizes all identified risks in terms of the likelihood of occurrence and potential impact of such risks; and

(C) establishes a plan for mitigation of each risk that is identified as of high importance.

(7) A certification that, beginning in fiscal year 2002, the Department of the Navy will comply with the requirements in OMB Circular A–11.

(b) GAO REPORT.—In any case in which the Secretary of the Navy submits to Congress the information described in subsection (a), not later than 60 days after the date that the Secretary submits such information the Comptroller General shall review and submit a report on the information to the congressional defense committees.

(c) NAVY MARINE CORPS INTRANET CONTRACT DEFINED.—In this section, the term ''Navy Marine Corps Intranet contract'' means a long-term arrangement with the commercial sector that transfers the responsibility and risk for providing and managing the vast majority of desktop, server, infrastructure, and communication assets and services of the Department of the Navy.

Subtitle E—Defense Dependents Education

SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2001.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2001, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2001 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 342. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AND OTHER PERSONS'' after ''EMPLOYEES''; and

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

''(3)(A) The Secretary may authorize the dependent of an American Red Cross employee described in subparagraph (B) to enroll in an education program provided by the Secretary pursuant to subsection (a) if the American Red Cross agrees to reimburse the Secretary for the educational services so provided.

''(B) An employee referred to in subparagraph (A) is an American Red Cross employee who—

''(i) resides in Puerto Rico; and

''(ii) performs, on a full-time basis, emergency services on behalf of members of the armed forces.

''(C) Amounts received under this paragraph as reimbursement for educational services shall be treated in the same manner as amounts received under subsection (g).''.

Subtitle F—Military Readiness Issues

SEC. 351. ADDITIONAL CAPABILITIES OF, AND REPORTING REQUIREMENTS FOR, THE READINESS REPORTING SYSTEM.

(a) MEASURING CANNIBALIZATION OF PARTS, SUPPLIES, AND EQUIPMENT.—Subsection (c) of section 117 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) Measure, on a quarterly basis, the extent to which units of the armed forces remove serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.''.

(b) FUNDING TO ADDRESS DEFICIENCIES.—Subsection (e) of such section is amended—

(1) by inserting ''(1)'' before ''The Secretary'';

(2) by striking ''Each such report'' and inserting the following:

''(3) Each report under this subsection''; and

(3) by inserting after the first sentence the following new paragraph:

''(2) The monthly report submitted under paragraph (1) that covers the first quarter of the then current fiscal year shall also include a description of the funding proposed in the President's budget for the next fiscal year, and for the subsequent fiscal years covered by the most recent future-years defense program submitted under section 221 of this title, to address each deficiency in readiness identified during the joint readiness review conducted for the first quarter of the current fiscal year.''.

SEC. 352. REPORTING REQUIREMENTS REGARDING TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

(a) CONTINUATION OF REPORTING REQUIREMENTS.—Section 483 of title 10, United States Code, is amended by striking subsection (e).

(b) LEVEL OF DETAIL.—Subsection (c)(2) of such section is amended by inserting before the period the following: '', including identification of the sources from which funds were transferred into that activity and identification of

the recipients of the funds transferred out of that activity''.

(c) ADDITIONAL COVERED BUDGET ACTIVITIES.—Subsection (d)(5) of such section is amended by adding at the end the following new subparagraphs:

''(G) Combat Enforcement Forces.

''(H) Combat Communications.''.

SEC. 353. DEPARTMENT OF DEFENSE STRATEGIC PLAN TO REDUCE BACKLOG IN MAINTENANCE AND REPAIR OF DEFENSE FACILITIES.

(a) PLAN REQUIRED.—Section 2661 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) PLAN TO ADDRESS MAINTENANCE AND REPAIR BACKLOG.—(1) The Secretary of Defense shall develop, and update annually thereafter, a strategic plan to reduce the backlog in maintenance and repair needs of facilities and infrastructure under the jurisdiction of the Department of Defense or a military department. At a minimum, the plan shall include or address the following:

''(A) A comprehensive strategy for the repair and revitalization of facilities and infrastructure, or for the demolition and replacement of unusable facilities, carried as backlog by the Secretary concerned.

''(B) Measurable goals, over specified time frames, for achieving the objectives of the strategy.

''(C) Expected funding for each military department and Defense Agency to carry out the strategy during the period covered by the most recent future-years defense program submitted to Congress pursuant to section 221 of this title.

''(D) The cost of the current backlog in maintenance and repair for each military department and Defense Agency, which shall be determined using the standard costs to standard facility categories in the Department of Defense Facilities Cost Factors Handbook, shown both in the aggregate and individually for each major military installation.

''(E) The total number of square feet of building space of each military department and Defense Agency to be demolished or proposed for demolition under the plan, shown both in the aggregate and individually for each major military installation.

''(F) The initiatives underway to identify facility and infrastructure requirements at military installation to accommodate new and developing weapons systems and to prepare installations to accommodate these systems.

''(2) Not later than March 15, 2001, the Secretary shall submit the strategic plan to Congress. The annual updates shall be submitted to Congress each year at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31.''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''GENERAL LEASING AUTHORITY; MAINTENANCE OF DEFENSE ACCESS ROADS.—'' after ''(b)''.

Subtitle G—Other Matters

SEC. 361. AUTHORITY TO ENSURE DEMILITARIZATION OF SIGNIFICANT MILITARY EQUIPMENT FORMERLY OWNED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY TO REQUIRE DEMILITARIZATION AFTER DISPOSAL.—Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following new section:

''§2573. Significant military equipment: continued authority to require demilitarization after disposal

''(a) AUTHORITY TO REQUIRE DEMILITARIZATION.—The Secretary of Defense may require any person in possession of significant military equipment formerly owned by the Department of Defense—

''(1) to demilitarize the equipment,

''(2) to have the equipment demilitarized by a third party; or

''(3) to return the equipment to the Government for demilitarization.

''(b) COST AND VALIDATION OF DEMILITARIZATION.—When the demilitarization of significant military equipment is carried out by the person in possession of the equipment pursuant to paragraph (1) or (2) of subsection (a), the person shall be solely responsible for all demilitarization costs, and the United States shall have the right to validate that the equipment has been demilitarized.

''(c) RETURN OF EQUIPMENT TO GOVERNMENT.—When the Secretary of Defense requires the return of significant military equipment for demilitarization by the Government, the Secretary shall bear all costs to transport and demilitarize the equipment. If the person in possession of the significant military equipment obtained the property in the manner authorized by law or regulation and the Secretary determines that the cost to demilitarize and return the property to the person is prohibitive, the Secretary shall reimburse the person for the purchase cost of the property and for the reasonable transportation costs incurred by the person to purchase the equipment.

''(d) ESTABLISHMENT OF DEMILITARIZATION STANDARDS.—The Secretary of Defense shall prescribe by regulation what constitutes demilitarization for each type of significant military equipment.

''(e) EXCEPTION FOR GOVERNMENT CONTRACTS.—This section does not apply when a person is in possession of significant military equipment formerly owned by the Department of Defense for the purpose of demilitarizing the equipment pursuant to a Government contract.

''(f) DEFINITION OF SIGNIFICANT MILITARY EQUIPMENT.—In this section, the term 'significant military equipment' means—

''(1) an article for which special export controls are warranted under the Arms Export Control Act (22 U.S.C. 2751 et seq.) because of its capacity for substantial military utility or capability, as identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and

''(2) any other article designated by the Department of Defense as requiring demilitarization before its disposal.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2572 the following new item:

''2573. Significant military equipment: continued authority to require demilitarization after disposal.''.

SEC. 362. ANNUAL REPORT ON PUBLIC SALE OF CERTAIN MILITARY EQUIPMENT IDENTIFIED ON UNITED STATES MUNITIONS LIST.

(a) ANNUAL REPORT REQUIRED.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

''§2582. Military equipment identified on United States munitions list: annual report of public sales

''(a) REPORT REQUIRED.—The Secretary of Defense shall prepare an annual report identifying each public sale conducted by a military department or Defense Agency of military items that are—

''(1) identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and

''(2) assigned a demilitarization code of 'B' or its equivalent.

''(b) ELEMENTS OF REPORT.—(1) A report under this section shall cover all public sales described in subsection (a) that were conducted during the preceding fiscal year.

''(2) The report shall specify the following for each sale:

''(A) The date of the sale.

''(B) The military department or Defense Agency conducting the sale.

''(C) The manner in which the sale was conducted.

''(D) The military items described in subsection (a) that were sold or offered for sale.

''(E) The purchaser of each item.

''(F) The stated end-use of each item sold.

''(c) SUBMISSION OF REPORT.—Not later than March 31 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate the report required by this section for the preceding fiscal year.''.

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

''2582. Military equipment identified on United States munitions list: annual report of public sales.''.

SEC. 363. REGISTRATION OF CERTAIN INFORMATION TECHNOLOGY SYSTEMS WITH CHIEF INFORMATION OFFICER.

(a) REGISTRATION REQUIRED.—During fiscal years 2001, 2002, and 2003, no funds available to the Department of Defense may be used for a mission critical or mission essential information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense.

(b) MANNER OF REGISTRATION.—A system shall be considered to be registered with the Chief Information Officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe.

(c) QUARTERLY UPDATES.—In the case of each information technology system registered pursuant to this section, the information required under subsection (b) to be submitted as part of the registration shall be updated on not less than a quarterly basis.

(d) COVERED INFORMATION TECHNOLOGY SYSTEMS.—An information technology system shall be considered to be a mission critical or mission essential information technology system for purposes of this section as defined by the Secretary of Defense.

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

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 364. STUDIES AND REPORTS REQUIRED AS PRECONDITION TO CERTAIN MANPOWER REDUCTIONS.

(a) REQUIRED STUDIES AND REPORTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

''§2475. Consolidation of functions or activities and reengineering or restructuring of organizations, functions, or activities: required studies and reports before manpower reductions

''(a) REPORTING AND ANALYSIS REQUIREMENTS AS PRECONDITION TO MANPOWER REDUCTIONS.—The Secretary of Defense may not initiate manpower reductions at organizations or activities, or within functions, that are commercial, commercial exempt from competition, military essential, or inherently governmental until the Secretary fully complies with the reporting and analysis requirements specified in subsections (b) and (c).

''(b) NOTIFICATION AND ELEMENTS OF ANALYSIS.—Before commencing to analyze any commercial, commercial exempt from competition, military essential, or inherently governmental organization, function, or activity for the consolidation, restructuring, or reengineering of

military personnel or Department of Defense civilian employees, the Secretary of Defense shall submit to Congress a report containing the following:

''(1) The organization, function, or activity to be analyzed for possible consolidation, restructuring, or reengineering.

''(2) The location or locations at which military personnel or Department of Defense civilian employees would be affected.

''(3) The number of military personnel or Department of Defense civilian employee positions potentially affected.

''(4) A description of the organization, function, or activity to be analyzed for possible consolidation, restructuring, or reengineering, including a description of all missions, duties, or military requirements that might be affected.

''(5) An examination of the cost incurred by the Department of Defense to perform the function or to operate the organization or activity that will be analyzed.

''(6) A certification that a proposed consolidation, restructuring, or reengineering of a commercial, commercial exempt from competition, military essential, or inherently governmental organization, function, or activity is not a result of a decision by an official of a military department or Defense Agency to impose predetermined constraints or limitations on the number of military personnel or Department of Defense civilian employees.

''(c) NOTIFICATION OF DECISION.—If, as a result of the completion of an analysis carried out consistent with the requirements of subsection (b), a decision is made to consolidate, restructure, or reengineer an organization, function, or activity, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report describing that decision. The report shall contain the following:

''(1) The Secretary's certification that the consolidation, restructuring, or reengineering that was analyzed will yield savings to the Department of Defense.

''(2) A projection of the savings that will be realized as a result of the consolidation, restructuring, or reengineering, compared with the cost incurred by the Department of Defense to perform the function or to operate the organization or activity prior to such proposed consolidation, restructuring, or reengineering.

''(3) A description of all missions, duties, or military requirements that will be affected as a result of the decision to consolidate, restructure, or reengineer the organization, function, or activity that was analyzed.

''(4) The Secretary's certification that the consolidation, restructuring or reengineering will not result in any diminution of military readiness.

''(5) A schedule for performing the consolidation, restructuring or reengineering.

''(6) The Secretary's certification that the entire analysis is available for examination.

''(d) DELEGATION.—The responsibility to prepare reports under subsections (b) and (c) may be delegated to the Deputy Under Secretary of Defense for Installations.

''(e) COMMENCEMENT; WAIVER FOR SMALL FUNCTIONS.—(1) The consolidation, restructuring, or reengineering of an organization, function, or activity for which a report is required under subsection (c) shall not begin until at least 45 days after the submission of the report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate.

''(2) Subsection (c) shall not apply to a consolidation, restructuring, or reengineering that will result in the elimination of 10 or fewer military or Department of Defense civilian employee positions.

''(f) COMPTROLLER GENERAL REVIEW.—Not later than March 1 of each year, the Comptroller General shall submit to Congress a report reviewing decisions taken by the Secretary of Defense to consolidate, restructure, or reengineer organizations, functions, or activities during the previous year and assessing the Secretary's compliance with this section. The report shall include a detailed assessment by the Comptroller General of whether the savings projected by the Secretary to result from such decisions are likely to be realized, and whether any decision taken by the Secretary is likely to result in a diminution of military readiness. The report shall also include detailed audits of selected analyses performed by the Secretary.

''(g) RELATION TO OTHER LAW.—Nothing in this section shall be construed to obviate the requirements set forth in section 1597 of this title.''.

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

''2475. Consolidation of functions or activities and reengineering or restructuring of organizations, functions, or activities: required studies and reports before manpower reductions.''.

SEC. 365. NATIONAL GUARD ASSISTANCE FOR CERTAIN YOUTH AND CHARITABLE ORGANIZATIONS.

Section 508 of title 32, United States Code, is amended—

(1) in subsection (b)(2), by inserting ''or any other youth or charitable organization designated by the Secretary of Defense'' after ''Special Olympics''; and

(2) in subsection (d)(1)—

(A) by redesignating paragraph (14) as paragraph (15); and

(B) by inserting after paragraph (13) the following new paragraph (14):

''(14) Reach For Tomorrow.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2001, as follows:

(1) The Army, 480,000.

(2) The Navy, 372,642.

(3) The Marine Corps, 172,600.

(4) The Air Force, 357,000.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''371,781'' and inserting ''372,000'';

(2) in paragraph (3), by striking ''172,148'' and inserting ''172,600''; and

(3) in paragraph (4), by striking ''360,877'' and inserting ''357,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000.

SEC. 403. ADJUSTMENT TO END STRENGTH FLEXIBILITY AUTHORITY.

Section 691(e) of title 10, United States Code, is amended by inserting ''or greater than'' after ''identical to'.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2001, as follows:

(1) The Army National Guard of the United States, 350,526.

(2) The Army Reserve, 205,300.

(3) The Naval Reserve, 88,900.

(4) The Marine Corps Reserve, 39,558.

(5) The Air National Guard of the United States, 108,000.

(6) The Air Force Reserve, 74,358.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2001, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,974.

(2) The Army Reserve, 13,106.

(3) The Naval Reserve, 14,649.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 11,148.

(6) The Air Force Reserve, 1,336.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2001 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 5,921.

(2) For the Army National Guard of the United States, 23,129.

(3) For the Air Force Reserve, 9,785.

(4) For the Air National Guard of the United States, 22,247.

SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

''Grade	*Army*	*Navy*	*Air Force*	*Marine Corps*
Major or Lieutenant Commander	*3,405*	*1,071*	*998*	*140*
Lieutenant Colonel or Commander	*1,830*	*520*	*859*	*90*
Colonel or Navy Captain	*547*	*188*	*317*	*30''.*

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

''Grade	*Army*	*Navy*	*Air Force*	*Marine Corps*
E–9	*866*	*202*	*502*	*20*
E–8	*2,966*	*429*	*1,131*	*94''.*

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2001 a total of $75,801,666,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2001.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

SEC. 501. AUTHORITY FOR SECRETARY OF DEFENSE TO SUSPEND CERTAIN PERSONNEL STRENGTH LIMITATIONS DURING WAR OR NATIONAL EMERGENCY.

(a) SENIOR ENLISTED MEMBERS ON ACTIVE DUTY.—Section 517 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.''.

(b) FIELD GRADE RESERVE COMPONENT OFFICERS.—Section 12011 of such title is amended by adding at the end the following new subsection:

''(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.''.

(c) SENIOR ENLISTED MEMBER IN RESERVE COMPONENTS.—Section 12012 of such title is amended by adding at the end the following new subsection:

''(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.''.

SEC. 502. AUTHORITY TO ISSUE POSTHUMOUS COMMISSIONS IN THE CASE OF MEMBERS DYING BEFORE OFFICIAL RECOMMENDATION FOR APPOINTMENT OR PROMOTION IS APPROVED BY SECRETARY CONCERNED.

(a) REPEAL OF LIMITATION TO DEATHS OCCURRING AFTER SECRETARIAL APPROVAL.—Subsection (a)(3) of section 1521 of title 10, United States Code, is amended by striking ''and the recommendation for whose appointment or promotion was approved by the Secretary concerned''.

(b) EFFECTIVE DATE OF COMMISSION.—Subsection (b) of such section is amended by striking ''approval'' both places it appears and inserting ''official recommendation''.

SEC. 503. TECHNICAL CORRECTION TO RETIRED GRADE RULE FOR ARMY AND AIR FORCE OFFICERS.

(a) ARMY.—Section 3961(a) of title 10, United States Code, is amended by striking ''or for nonregular service under chapter 1223 of this title''.

(b) AIR FORCE.—Section 8961(a) of such title is amended by striking ''or for nonregular service under chapter 1223 of this title''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to Reserve officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 or chapter 1405 of title 10, United States Code, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after October 5, 1994.

SEC. 504. EXTENSION TO END OF CALENDAR YEAR OF EXPIRATION DATE FOR CERTAIN FORCE DRAWDOWN TRANSITION AUTHORITIES.

(a) EARLY RETIREMENT AUTHORITY FOR ACTIVE FORCE MEMBERS.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking ''October 1, 2001'' and inserting ''December 31, 2001''.

(b) SSB AND VSI.—Sections 1174a(h) and 1175(d)(3) of title 10, United States Code, are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(c) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(d) TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(a)(2)(A) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(e) MINIMUM COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(f) TRAVEL, TRANSPORTATION, AND STORAGE BENEFITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(g) EDUCATIONAL LEAVE FOR PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(h) TRANSITIONAL HEALTH BENEFITS.—Subsections (a)(1), (c)(1), and (e) of section 1145 of title 10, United States Code, are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(i) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—Section 1146 of such title is amended by striking ''September 30, 2001'' both places it appears and inserting ''December 31, 2001''.

(j) TRANSITIONAL USE OF MILITARY HOUSING.—Paragraphs (1) and (2) of section 1147(a) of such title are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(k) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(l) FORCE REDUCTION TRANSITION PERIOD DEFINITION.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(m) TEMPORARY SPECIAL AUTHORITY FOR FORCE REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking ''October 1, 2001'' and inserting ''December 31, 2001''.

(n) RETIRED PAY FOR NON-REGULAR SERVICE.—(1) Section 12731(f) of title 10, United States Code, is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(2) Section 12731a of such title is amended in subsections (a)(1)(B) and (b) by striking ''October 1, 2001'' and inserting ''December 31, 2001''.

(o) REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(d)(5) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(p) AFFILIATION WITH GUARD AND RESERVE UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(q) RESERVE MONTGOMERY GI BILL.—Section 16133(b)(1)(B) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

SEC. 505. CLARIFICATION OF REQUIREMENTS FOR COMPOSITION OF ACTIVE-DUTY LIST SELECTION BOARDS WHEN RESERVE OFFICERS ARE UNDER CONSIDERATION.

(a) CLARIFICATION.—Section 612(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''who are on the active-duty list'' in the second sentence; and

(B) by inserting after the second sentence the following new sentence: ''Each member of a selection board (except as provided in paragraphs (2), (3), and (4)) shall be an officer on the active-duty list.''; and

(2) in paragraph (3)—

(A) by striking ''of that armed force, with the exact number of reserve officers to be'' and inserting ''of that armed force on active duty (whether or not on the active-duty list). The actual number of reserve officers shall be''; and

(B) by striking ''his discretion, except that'' and inserting ''the Secretary's discretion. Notwithstanding the first sentence of this paragraph,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any selection board convened under section 611(a) of title 10, United States Code, on or after August 1, 1981.

SEC. 506. VOLUNTARY SEPARATION INCENTIVE.

(a) AUTHORITY FOR TERMINATION UPON ENTITLEMENT TO RETIRED PAY.—Section 1175(e)(3) of title 10, United States Code, is amended—

(1) inserting ''(A)'' after ''(3)''; and

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

''(B) If a member is receiving simultaneous voluntary separation incentive payments and retired or retainer pay, the member may elect to terminate the receipt of voluntary separation incentive payments. Any such election is permanent and irrevocable. The rate of monthly recoupment from retired or retainer pay of voluntary separation incentive payments received after such an election shall be reduced by a percentage that is equal to a fraction with a denominator equal to the number of months that the voluntary separation incentive payments were scheduled to be paid and a numerator equal to the number of months that would not be paid as a result of the member's decision to terminate the voluntary separation incentive.''.

(b) EFFECTIVE DATE.—Subparagraph (B) of section 1175(e)(3) of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions by members to terminate voluntary separation incentive payments under section 1175 of title 10, United States Code, to be effective after September 30, 2000.

SEC. 507. CONGRESSIONAL REVIEW PERIOD FOR ASSIGNMENT OF WOMEN TO DUTY ON SUBMARINES AND FOR ANY PROPOSED RECONFIGURATION OR DESIGN OF SUBMARINES TO ACCOMMODATE FEMALE CREW MEMBERS.

(a) IN GENERAL.—(1) Chapter 555 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines

''(a) No change in the Department of the Navy policy limiting service on submarines to males, as in effect on May 10, 2000, may take effect until—

''(1) the Secretary of Defense submits to Congress written notice of the proposed change; and

''(2) a period of 120 days of continuous session of Congress expires following the date on which the notice is received.

''(b) No funds available to the Department of the Navy may be expended to reconfigure any existing submarine, or to design any new submarine, to accommodate female crew members until—

''(1) the Secretary of Defense submits to Congress written notice of the proposed reconfiguration or design; and

''(2) a period of 120 days of continuous session of Congress expires following the date on which the notice is received.

''(c) For purposes of this section—

''(1) the continuity of a session of Congress is broken only by an adjournment of the Congress sine die; and

''(2) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 120-day period.''.

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

''6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines.''.

(b) CONFORMING AMENDMENT.—Section 542(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is amended by inserting ''or by section 6035 of title 10, United States Code'' after ''Except in a case covered by subsection (b)''.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. EXEMPTION FROM ACTIVE-DUTY LIST FOR RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

Section 641(1) of title 10, United States Code, is amended—

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

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

''(D) on the reserve active-status list who are on active duty under section 12301(d) of this title, other than as provided in subparagraph (C), under a call or order to active duty specifying a period of three years or less;''.

SEC. 512. EXEMPTION OF RESERVE COMPONENT MEDICAL AND DENTAL OFFICERS FROM COUNTING IN GRADE STRENGTHS.

Section 12005(a)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Medical officers and dental officers shall be excluded in computing and determining the authorized strengths under this subsection.''.

SEC. 513. CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE STATUS LIST WITHOUT REQUIREMENT FOR APPLICATION.

Section 14701(a) of title 10, United States Code, is amended by striking ''Upon application, a reserve officer'' and inserting ''A reserve officer''.

SEC. 514. AUTHORITY TO RETAIN RESERVE COMPONENT CHAPLAINS AND OFFICERS IN MEDICAL SPECIALTIES UNTIL SPECIFIED AGE.

Section 14703(a)(3) of title 10, United States Code, is amended by striking ''veterinary officers'' and all that follows through the period and inserting ''Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.''.

SEC. 515. AUTHORITY FOR TEMPORARY INCREASE IN NUMBER OF RESERVE COMPONENT PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES.

(a) FIELD GRADE OFFICERS.—Section 12011 of title 10, United States Code, as amended by section 501(b), is amended by adding at the end the following new subsection:

''(d) Upon a determination by the Secretary of Defense that such action is in the national interest, the Secretary may increase the number of officers serving in any grade for a fiscal year pursuant to subsection (a) by not more than the percent authorized by the Secretary under section 115(c)(2) of this title.''.

(b) SENIOR ENLISTED MEMBERS.—Section 12012 of such title, as amended by section 501(c), is amended by adding at the end the following new subsection:

''(d) Upon a determination by the Secretary of Defense that such action is in the national interest, the Secretary may increase the number of enlisted members serving in any grade for a fiscal year pursuant to subsection (a) by not more than the percent authorized by the Secretary under section 115(c)(2) of this title.''.

SEC. 516. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

''(4) Members of a reserve component not covered by paragraph (1) or (2), but only during a period, following a release from active duty under a call or order to active duty for more than 29 days under a mobilization authority (as determined by the Secretary of Defense), that is not in excess of twice the length of time served on active duty.''.

(b) DEPENDENTS.—Paragraph (5) of such section 1044(a) (as redesignated by subsection (a)) is amended by striking ''and (3)'' and inserting ''(3), and (4)''.

(c) IMPLEMENTING REGULATIONS.—Regulations to implement the amendments made by subsections (a) and (b) shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 517. ENTITLEMENT TO SEPARATION PAY FOR RESERVE OFFICERS RELEASED FROM ACTIVE DUTY UPON DECLINING SELECTIVE CONTINUATION ON ACTIVE DUTY AFTER SECOND FAILURE OF SELECTION FOR PROMOTION.

(a) DISCHARGE OR RELEASE TO BE CONSIDERED INVOLUNTARY.—Section 1174(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The discharge or release from active duty of an officer under a law or regulation requiring that an officer who has failed of selection for promotion to the next higher grade for the second time, or who declines continuation on active duty after such a failure, be discharged or released from active duty shall be considered to be involuntary for purposes of paragraph (1)(A).''.

(b) EFFECTIVE DATE.—Paragraph (4) of section 1174(c) of title 10, United States Code, as added by subsection (a), shall apply with respect to an offer for selective continuation on active duty that is declined on or after the date of the enactment of this Act.

SEC. 518. EXTENSION OF INVOLUNTARY CIVIL SERVICE RETIREMENT DATE FOR CERTAIN RESERVE TECHNICIANS.

(a) MANDATORY RETIREMENT NOT APPLICABLE UNTIL AGE 60.—Section 10218 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''and is age 60 or older at that time'' after ''unreduced annuity'' in paragraph (2);

(B) by inserting ''or is under age 60 at that time'' after ''unreduced annuity'' in paragraph (3)(A); and

(C) by inserting ''and becoming 60 years of age'' after ''unreduced annuity'' in paragraph (3)(B)(ii)(I); and

(2) in subsection (b)—

(A) by inserting ''and is age 60 or older'' after ''unreduced annuity'' in paragraph (1);

(B) by inserting ''or is under age 60'' after ''unreduced annuity'' in paragraph (2)(A); and

(C) by inserting ''and becoming 60 years of age'' after ''unreduced annuity'' in paragraph (2)(B)(ii)(I).

(b) TRANSITION PROVISION.—(1) An individual who before the date of the enactment of this Act was involuntarily separated or retired from employment as an Army Reserve or Air Force Reserve technician under section 10218 of title 10, United States Code, and who would not have been so separated if the provisions of subsection (c) of that section, as amended by subsection (a), had been in effect at the time of such separation may, with the approval of the Secretary concerned, be reinstated to the technician status held by that individual immediately before that separation.

(2) The authority under paragraph (1) applies only to reinstatement for which an application is received by the Secretary concerned before the end of the one-year period beginning on the date of the enactment of this Act.

Subtitle C—Education and Training

SEC. 521. COLLEGE TUITION ASSISTANCE PROGRAM FOR PURSUIT OF DEGREES BY MEMBERS OF THE MARINE CORPS PLATOON LEADERS CLASS PROGRAM.

(a) IN GENERAL.—Section 16401 of title 10, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

''§ 16401. Marine Corps Platoon Leaders Class program: college tuition assistance program''.

(2) Subsection (a) is amended—

(A) by striking ''FINANCIAL'' in the subsection heading and inserting ''COLLEGE TUITION'';

(B) by striking ''an eligible enlisted'' in the matter preceding paragraph (1) and inserting ''a''; and

(C) in paragraph (2), by striking ''three'' and inserting ''four''.

(3) Subsection (b)(1) is amended—

(A) by striking ''an enlisted'' and inserting ''a'';

(B) in subparagraph (A), by striking ''an officer candidate in'' and inserting ''a member of'';

(C) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(D) in subparagraph (C) (as so redesignated), by striking ''(3)'' and inserting ''(2)''.

(4) Subsection (b) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(5) Subsection (f)(1) is amended by striking ''A member'' and inserting ''An enlisted member''.

(b) COMPUTATION OF CREDITABLE SERVICE.—Section 205(f) of title 37, United States Code, is amended—

(1) by striking ''section 12209'' and inserting ''section 12203''; and

(2) by striking ''a member'' and inserting ''an enlisted member''.

(c) CLERICAL AMENDMENT.—The item relating to section 16401 in the table of sections at the beginning of chapter 1611 of such title is amended to read as follows:

''16401. Marine Corps Platoon Leaders Class program: college tuition assistance program.''.

SEC. 522. REVIEW OF ALLOCATION OF JUNIOR RESERVE OFFICERS TRAINING CORPS UNITS AMONG THE SERVICES.

(a) REALLOCATION OF JROTC UNITS.—Not later than March 31, 2001, the Secretary of Defense shall—

(1) review the allocation among the military departments of the statutory maximum number of Junior Reserve Officers' Training Corps (JROTC) units; and

(2) redistribute the allocation of those units planned (as of the date of the enactment of this

Act) for fiscal years 2001 through 2006 so as to increase the number of units for a military department that proposes to more quickly eliminate the current waiting list for such units and to commit the necessary resources for that purpose.

(b) PROPOSAL FOR INCREASE IN STATUTORY MAXIMUM.—If, based on the review under subsection (a) and the redistribution of the allocation of JROTC units under that subsection, the Secretary determines that an increase in the statutory maximum number of such units is warranted, the Secretary shall include a proposal for such an increase in the budget proposal of the Department of Defense for fiscal year 2002.

SEC. 523. AUTHORITY FOR NAVAL POSTGRADUATE SCHOOL TO ENROLL CERTAIN DEFENSE INDUSTRY CIVILIANS IN SPECIFIED PROGRAMS RELATING TO DEFENSE PRODUCT DEVELOPMENT.

(a) IN GENERAL.—(1) Chapter 605 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7049. Defense industry civilians: admission to defense product development program

''(a) AUTHORITY FOR ADMISSION.—The Secretary of the Navy may permit eligible defense industry employees to receive instruction at the Naval Postgraduate School in accordance with this section. Any such defense industry employee may only be enrolled in, and may only be provided instruction in, a program leading to a masters's degree in a curriculum related to defense product development. No more than 10 such defense industry employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such defense industry employee may be awarded an appropriate degree under section 7048 of this title.

''(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the school remains eligible for such instruction only so long at that person remains employed by the same firm.

''(c) ANNUAL CERTIFICATION BY THE SECRETARY OF THE NAVY.—Defense industry employees may receive instruction at the school during any academic year only if, before the start of that academic year, the Secretary of the Navy determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to defense industry employees under this section during that year—

''(1) will further the military mission of the school;

''(2) will enhance the ability of the Department of Defense and defense-oriented private sector contractors engaged in the design and development of defense systems to reduce the product and project lead times required to bring such systems to initial operational capability; and

''(3) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

''(d) PROGRAM REQUIREMENTS.—The Secretary of the Navy shall ensure that—

''(1) the curriculum for the defense product development program in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on defense product development functions that are conducted by military organizations and defense contractors working in close cooperation; and

''(2) the course offerings at the school continue to be determined solely by the needs of the Department of Defense.

''(e) TUITION.—The Superintendent of the school shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Navy.

''(f) STANDARDS OF CONDUCT.—While receiving instruction at the school, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.

''(g) USE OF FUNDS.—Amounts received by the school for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.''.

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

''7049. Defense industry civilians: admission to defense product development program.''.

(b) PROGRAM EVALUATION AND REPORT.—(1) Before the start of the fourth year of instruction, but no earlier than the start of the third year of instruction, of defense industry employees at the Naval Postgraduate School under section 7049 of title 10, United States Code, as added by subsection (a), the Secretary of the Navy shall conduct an evaluation of the admission of such students under that section. The evaluation shall include the following:

(A) An assessment of whether the authority for instruction of nongovernment civilians at the school has resulted in a discernible benefit for the Government.

(B) Determination of whether the receipt and disposition of funds received by the school as tuition for instruction of such civilians at the school have been properly identified in records of the school.

(C) An assessment of the disposition of those funds.

(D) An assessment of whether instruction of such civilians at the school is in the best interests of the Government.

(2) Not later than 30 days after completing the evaluation referred to in paragraph (1), the Secretary of the Navy shall submit to the Secretary of Defense a report on the program under such section. The report shall include—

(A) the results of the evaluation under paragraph (1);

(B) the Secretary's conclusions and recommendation with respect to continuing to allow nongovernment civilians to receive instruction and the Naval Postgraduate School as part of a program related to defense product development; and

(C) any proposals for legislative changes recommended by the Secretary.

(3) Not later than 60 days after receiving the report of the Secretary of the Navy under paragraph (2), the Secretary of Defense shall submit the report, together with any comments that the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

Subtitle D—Decorations, Awards, and Commendations

SEC. 531. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO ANDREW J. SMITH FOR VALOR DURING THE CIVIL WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the medal of honor, posthumously, under section 3741 of that title to Andrew J. Smith of Clinton, Illinois, for the acts of valor during the Civil War described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Andrew J. Smith during the Civil War on November 30, 1864, while serving as an infantry corporal in the 55th Massachusetts Voluntary Infantry during the Battle of Honey Hill in South Carolina.

SEC. 532. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO ED W. FREEMAN FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor, posthumously, under section 3741 of that title to Ed W. Freeman of Boise, Idaho, for the acts of valor during the Vietnam Conflict described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Ed W. Freeman on November 14, 1965, as a flight leader and second in command of a 16-helicopter lift unit, serving in the grade of captain at Landing Zone X-Ray in the battle of the IaDrang Valley, Republic of Vietnam, with Alpha Company, 229th Assault Helicopter Battalion, 101st Cavalry Division (Airmobile).

SEC. 533. CONSIDERATION OF PROPOSALS FOR POSTHUMOUS OR HONORARY PROMOTIONS OR APPOINTMENTS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES AND OTHER QUALIFIED PERSONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation

''(a) REVIEW BY SECRETARY CONCERNED.—Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified, that is not otherwise authorized by law. Based upon such review, the Secretary shall make a determination as to the merits of approving the posthumous or honorary promotion or appointment and the other determinations necessary to comply with subsection (b).

''(b) NOTICE OF RESULTS OF REVIEW.—Upon making a determination under subsection (a) as to the merits of approving the posthumous or honorary promotion or appointment, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives and to the requesting Member of Congress notice in writing of one of the following:

''(1) The posthumous or honorary promotion or appointment does not warrant approval on the merits.

''(2) The posthumous or honorary promotion or appointment warrants approval and authorization by law for the promotion or appointment is recommended.

''(3) The posthumous or honorary promotion or appointment warrants approval on the merits and has been recommended to the President as an exception to policy.

''(4) The posthumous or honorary promotion or appointment warrants approval on the merits and authorization by law for the promotion or appointment is required but is not recommended.

A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.

''(c) DEFINITION.—In this section, the term 'Member of Congress' means—

''(1) a Senator; or

''(2) a Representative in, or a Delegate or Resident Commissioner to, Congress.''.

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

''1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation.''.

SEC. 534. WAIVER OF TIME LIMITATIONS FOR AWARD OF NAVY DISTINGUISHED FLYING CROSS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 5, 1999, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 535. ADDITION OF CERTAIN INFORMATION TO MARKERS ON GRAVES CONTAINING REMAINS OF CERTAIN UNKNOWNS FROM THE U.S.S. ARIZONA WHO DIED IN THE JAPANESE ATTACK ON PEARL HARBOR ON DECEMBER 7, 1941.

(a) INFORMATION TO BE PROVIDED SECRETARY OF VETERANS AFFAIRS.—The Secretary of the Army shall provide to the Secretary of Veterans Affairs certain information, as specified in subsection (b), pertaining to the remains of certain unknown persons that are interred in the National Memorial Cemetery of the Pacific, Honolulu, Hawaii. The Secretary of Veterans Affairs shall add to the inscriptions on the markers on the graves containing those remains the information provided.

(b) INFORMATION TO BE ADDED—The information to be added to grave markers under subsection (a)—

(1) shall be determined by the Secretary of the Army, based on a review of the information that, as of the date of the enactment of this Act, has been authenticated by the director of the Navy Historical Center, Washington, D.C., pertaining to the interment of remains of certain unknown casualties from the U.S.S. Arizona who died as a result of the Japanese attack on Pearl Harbor on December 7, 1941; and

(2) shall, at a minimum, indicate that the interred remains are from the U.S.S. Arizona.

(c) LIMITATION OF SCOPE OF SECTION.—This section does not impose any requirement on the Secretary of the Army to undertake a review of any information pertaining to the interred remains of any unknown person other than as provided in subsection (b).

SEC. 536. SENSE OF CONGRESS REGARDING FINAL CREW OF U.S.S. INDIANAPOLIS.

(a) FINDINGS.—Congress finds the following:

(1) Shortly after midnight on the night of July 30, 1945, during the closing days of World War II, the United States Navy heavy cruiser U.S.S. INDIANAPOLIS (CA–35) was torpedoed and sunk by a Japanese submarine.

(2) Of the 1,196 crew members, only 316 survived the attack and subsequent five-day ordeal adrift at sea, the rest dying from battle wounds, drowning, shark attacks, exposure, or lack of food and water, making the sinking of the INDIANAPOLIS the worst sea disaster in United States naval history.

(3) Following the rescue of the surviving crew members, the commanding officer of the INDIANAPOLIS, Captain Charles Butler McVay III, who survived the sinking and the ordeal at sea, was charged with ''suffering a vessel to be hazarded through negligence'' and was convicted by a court-martial of that charge, notwithstanding a great many extenuating circumstances, some of which were not presented at the court-martial trial.

(4) Captain McVay had an excellent record throughout his naval career before the sinking of the INDIANAPOLIS, beginning with his graduation from the United States Naval Academy in 1919 and including an excellent combat record that included participation in the landings in North Africa and award of the Silver Star for courage under fire earned during the Solomon Islands campaign.

(5) After assuming command of the INDIANAPOLIS on November 18, 1944, Captain McVay led the ship during her participation in the assaults on Iwo Jima and Okinawa.

(6) During the latter assault, the INDIANAPOLIS suffered a damaging kamikaze attack which penetrated the ship's hull, but the ship was made seaworthy and skillfully returned by Captain McVay and her crew to San Francisco for repairs.

(7) Following completion of those repairs, the INDIANAPOLIS was given the mission of transporting to the island of Tinian vital parts of the atomic bomb which was dropped on Hiroshima, a mission which was completed successfully on July 26, 1945, at a record average speed of 29 knots.

(8) Following the accomplishment of that mission, the INDIANAPOLIS sailed from Tinian to Guam and from there embarked for Leyte Gulf in the Philippines to join training with the fleet assembling for the final assault on the Japanese mainland.

(9) As the INDIANAPOLIS began its trip across the Philippine Sea on July 28, 1945, the war was virtually over in that area of the south Pacific, with hostilities having moved 1,000 miles to the north, the Japanese navy's surface fleet was nonexistent, and United States naval intelligence reported only four operational Japanese submarines in the entire Pacific theater of war, all of which resulted in the state of alert among shore-based personnel routing and tracking the INDIANAPOLIS across the Philippine Sea being affected accordingly.

(10) Before departure from Guam Captain McVay requested a destroyer escort because his ship was not equipped with antisubmarine detection devices, but, despite the fact that no capital ship such as the INDIANAPOLIS had made the transit between Guam and the Philippines without escort during World War II, that request was denied, and a 1996 report by the Navy's Judge Advocate General's office concedes that ''Captain McVay and the routing officer did not discuss the availability of an escort after the operations officer for COMMARIANNAS confirmed that an escort was not necessary''.

(11) Although Captain McVay was informed of ''submarine sightings'' in the Philippine Sea, such sightings were commonplace, and none of those reported to Captain McVay had been confirmed, and at the same time there was a failure to inform him that a submarine within range of his path had sunk the U.S.S. UNDERHILL four days before his departure from Guam.

(12) United States military intelligence activities, through a code-breaking system called ULTRA, had learned that the Japanese submarine I–58 was operating in the Philippine Sea area, but Captain McVay was not told of this intelligence, which remained classified as Top Secret until the early 1990's, and this intelligence (and the fact that it was withheld from Captain McVay when he sailed from Guam) was not brought to light at his court-martial.

(13) The INDIANAPOLIS was sunk by this same submarine.

(14) the commander of that submarine, Mochitsura Hashimoto, testified at the court-martial that once he had detected the ship, he would have been able to make a successful torpedo attack whether or not the ship was zigzagging.

(15) With visibility severely limited by a heavy overcast at approximately 11 p.m. on the night of July 29, 1945, Captain McVay gave the order to cease zigzagging and retired to his cabin and shortly after midnight the INDIANAPOLIS was struck by two torpedoes and sunk within 12 minutes.

(16) The formal charge upon which Captain McVay was convicted for ''suffering a vessel to be hazarded through negligence'' contained the phrase ''in good visibility'' in reference to the weather conditions on that night, which is contrary to the recollection of all survivors, who recall that the visibility was very poor.

(17) After the INDIANAPOLIS was sunk, various Navy shore offices compounded the previous errors which had led to the ship being placed in jeopardy by failing to report the ship's overdue arrival, thus leaving the approximately 950 members of the crew who survived the sinking of the ship adrift for four days and five nights until by chance the survivors were spotted by a routine air patrol.

(18) A court of inquiry to investigate the sinking was convened in Guam on August 13, 1945, just two weeks after the sinking and nine days after the survivors were rescued (a date so soon after the sinking that Captain William Hillbert, the Navy judge advocate for the inquiry, admitted that the inquiry was so rushed that they were ''. . . starting the proceedings without having available all the necessary data'') and recommended that Captain McVay be issued a Letter of Reprimand and that he be court-martialed.

(19) The headquarters staff of CINCPAC (commanded by Fleet Admiral Chester Nimitz) disagreed with the recommendation of the court of inquiry, stating that in not maintaining a zigzag course Captain McVay at worst was guilty only of an error in judgment and not gross negligence and concluded that the rule requiring zigzagging would not have applied in any event since Captain McVay's orders gave him discretion on that matter and took precedence over all other orders (a point that was never made by Captain McVay's attorney during the court-martial).

(20) The Department of the Navy delayed the announcement of the sinking of the INDIANAPOLIS for almost two weeks to coincide with the announcement of the surrender of Japan, thus diverting attention from the magnitude of the disaster and lessening its public impact, and then, despite opposition by Admiral Nimitz and Admiral Raymond Spruance (for whom the INDIANAPOLIS had served as flagship), it brought court-martial charges against Captain McVay in a rare instance when a commanding officer's recommendations are contravened.

(21) Captain McVay thus became the first United States Navy commanding officer brought to trial for losing his ship in combat during World War II, despite the fact that over 700 ships were lost during World War II, including some under questionable circumstances.

(22) Captain McVay was convicted on February 23, 1946, on the charge of ''suffering a vessel to be hazarded through negligence'', thus permanently damaging his career as a naval officer, although when Admiral Nimitz was advanced to the position of Chief of Naval Operations later that same year, he remitted Captain McVay's sentence and restored him to active duty.

(23) Following his court-martial conviction, Captain McVay remained on active duty until retiring in 1949 upon completion of 30 years of active naval service, with a final promotion, in accordance with then-applicable law, to the grade of rear admiral, effective upon the date of his retirement.

(24) Rear Admiral Charles Butler McVay III (retired), died on November 6, 1968, without having been exonerated from responsibility for the loss of his ship and the lives of 880 members of her crew.

(25) The survivors of the INDIANAPOLIS still living have remained steadfast in their support of the exoneration of Captain McVay.

(26) In 1993, Congress, in section 1165 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1765; 16 U.S.C. 431 note), recognized the memorial to the U.S.S. INDIANAPOLIS (CA–35) in Indianapolis, Indiana, as the national memorial to that historic warship and to her final crew.

(27) In 1994, Congress, in section 1052 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2844), stating that it was acting on behalf of the grateful people of the United States—

(A) recognized the invaluable contributions of the U.S.S. INDIANAPOLIS to the ending of World War II; and

(B) on the occasion of the 50th anniversary of her tragic sinking, and the dedication of the national memorial in Indianapolis on July 30, 1995, commended that ship and her crew for selfless and heroic service to the United States.

(b) COURT-MARTIAL CONVICTION OF CHARLES BUTLER MCVAY, III.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA–35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(c) PRESIDENTIAL UNIT CITATION.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

SEC. 537. POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL (RETIRED) HUSBAND E. KIMMEL AND MAJOR GENERAL (RETIRED) WALTER C. SHORT ON RETIRED LISTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The late Rear Admiral (retired) Husband E. Kimmel, formerly serving in the grade of admiral as the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941, attack on Pearl Harbor.

(2) The late Major General (retired) Walter C. Short, formerly serving in the grade of lieutenant general as the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941, attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that then Admiral Kimmel and then Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6–7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of ''dereliction of duty'' only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that ''these two officers were martyred'' and ''if they had been brought to trial, both would have been cleared of the charge''.

(6) On October 19, 1944, a Naval Court of Inquiry—

(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941, attack on Pearl Harbor were proper ''by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor'';

(B) criticized the higher command for not sharing with Admiral Kimmel ''during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation''; and

(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that—

(A) Lieutenant General Short had not been kept ''fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war'';

(B) detailed information and intelligence about Japanese intentions and war plans were available in ''abundance'', but were not shared with Lieutenant General Short's Hawaii command; and

(C) Lieutenant General Short was not provided ''on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this''.

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral (retired) Kimmel and Major General (retired) Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(12) On April 27, 1954, the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(13) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that the late Major General (retired) Short ''was unjustly held responsible for the Pearl Harbor disaster'' and that ''it would be equitable and just'' to advance him to the rank of lieutenant general on the retired list''.

(14) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral (retired) Kimmel (by then deceased) and recommended that the case of Rear Admiral Kimmel be reopened.

(15) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of the late Rear Admiral (retired) Kimmel or the late Major General (retired) Short in grade, it did set forth as a conclusion of the study that ''responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared''.

(16) The Dorn Report found—

(A) that ''Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war'';

(B) that ''the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels''; and

(C) that ''together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered''.

(17) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from then Admiral Kimmel and Lieutenant General Short.

(18) Rear Admiral (retired) Kimmel and Major General (retired) Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under that Act.

(19) This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General (retired) Walter Short died on September 23, 1949, and Rear Admiral (retired) Husband Kimmel died on May 14, 1968,

without having been accorded the honor of being returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of the late Rear Admiral (retired) Kimmel and the late Major General (retired) Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) REQUEST FOR ADVANCEMENT ON RETIRED LISTS.—(1) The President is requested—

(A) to advance the late Rear Admiral (retired) Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General (retired) Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or otherwise modify the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the late Rear Admiral (retired) Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General (retired) Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

SEC. 538. COMMENDATION OF CITIZENS OF REMY, FRANCE, FOR WORLD WAR II ACTIONS.

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

(1) On August 2, 1944, a squadron of P–51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France.

(2) The resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including seven stained glass windows in the 13th Century church.

(3) Despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers.

(4) On Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor.

(5) The surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy.

(6) To express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds, through its project ''Windows for Remy'', to restore the church's stained glass windows.

(b) COMMENDATION AND RECOGNITION.—The Congress commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly during and after August 1944, and recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th Century church.

Subtitle E—Military Justice Matters

SEC. 541. RECOGNITION BY STATES OF MILITARY TESTAMENTARY INSTRUMENTS.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044c the following new section:

''§ 1044d. Military testamentary instruments: requirement for recognition by States

''(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN LEGAL EFFECT.—A military testamentary instrument—

''(1) is exempt from any requirement of form, formality, or recording before probate that is provided for testamentary instruments under the laws of a State; and

''(2) has the same legal effect as a testamentary instrument prepared and executed in accordance with the laws of the State in which it is presented for probate.

''(b) MILITARY TESTAMENTARY INSTRUMENTS.—For purposes of this section, a military testamentary instrument is an instrument that is prepared with testamentary intent in accordance with regulations prescribed under this section and that—

''(1) is executed in accordance with subsection (c) by (or on behalf of) a person, as a testator, who is eligible for military legal assistance;

''(2) makes a disposition of property of the testator; and

''(3) takes effect upon the death of the testator.

''(c) REQUIREMENTS FOR EXECUTION OF MILITARY TESTAMENTARY INSTRUMENTS.—An instrument is valid as a military testamentary instrument only if—

''(1) the instrument is executed by the testator (or, if the testator is unable to execute the instrument personally, the instrument is executed in the presence of, by the direction of, and on behalf of the testator);

''(2) the instrument is executed in the presence of a military legal assistance counsel acting as presiding attorney;

''(3) the instrument is executed in the presence of at least two disinterested witnesses (in addition to the presiding attorney), each of whom attests to witnessing the testator's execution of the instrument by signing it; and

''(4) the instrument is executed in accordance with such additional requirements as may be provided in regulations prescribed under this section.

''(d) SELF-PROVING MILITARY TESTAMENTARY INSTRUMENTS.—(1) If the document setting forth a military testamentary instrument meets the requirements of paragraph (2), then the signature of a person on the document as the testator, an attesting witness, a notary, or the presiding attorney, together with a written representation of the person's status as such and the person's military grade (if any) or other title, is prima facie evidence of the following:

''(A) That the signature is genuine.

''(B) That the signatory had the represented status and title at the time of the execution of the will.

''(C) That the signature was executed in compliance with the procedures required under the regulations prescribed under subsection (f).

''(2) A document setting forth a military testamentary instrument meets the requirements of this paragraph if it includes (or has attached to it), in a form and content required under the regulations prescribed under subsection (f), each of the following:

''(A) A certificate, executed by the testator, that includes the testator's acknowledgment of the testamentary instrument.

''(B) An affidavit, executed by each witness signing the testamentary instrument, that attests to the circumstances under which the testamentary instrument was executed.

''(C) A notarization, including a certificate of any administration of an oath required under the regulations, that is signed by the notary or other official administering the oath.

''(e) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed under this section, each military testamentary instrument shall contain a statement that sets forth the provisions of subsection (a).

''(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a testamentary instrument that does not include a statement described in that paragraph.

''(f) REGULATIONS.—Regulations for the purposes of this section shall be prescribed jointly by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy.

''(g) DEFINITIONS.—In this section:

''(1) The term 'person eligible for military legal assistance' means a person who is eligible for legal assistance under section 1044 of this title.

''(2) The term 'military legal assistance counsel' means—

''(A) a judge advocate (as defined in section 801(13) of this title); or

''(B) a civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title.

''(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044c the following new item:

''1044d. Military testamentary instruments: requirement for recognition by States.''.

SEC. 542. PROBABLE CAUSE REQUIRED FOR ENTRY OF NAMES OF SUBJECTS INTO OFFICIAL CRIMINAL INVESTIGATIVE REPORTS.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding after section 1563, as added by section 533(a), the following new section:

''§ 1564. Military criminal investigations: probable cause required for entry of names of subjects into official investigative reports

''(a) PROBABLE CAUSE REQUIRED FOR 'TITLING'.—The Secretary of Defense shall require that an employee of a military criminal investigative organization or a member of the armed forces assigned to a military criminal investigative organization, in connection with the investigation of a reported crime, may not designate any person, by name or by any other identifying information, as a suspect in the case in any official investigative report, or in a central index for potential retrieval and analysis by law enforcement organizations, unless there is probable cause to believe that that person committed the crime.

''(b) STANDARD FOR REMOVAL OF 'TITLING' INFORMATION FROM RECORDS.—The Secretary of Defense shall establish a uniform standard applicable throughout the Department of Defense for removal from an official investigative report of a reported crime, and from any applicable central index, of the name of a person (and any other identifying information about that person) that was entered in the report or index to designate that person as a suspect in the case when it is subsequently determined that there is not probable cause to believe that that person committed the crime.

''(c) CRIMINAL INVESTIGATIVE ORGANIZATION DEFINED.—In this section, the term 'criminal investigative organization' means any of the following:

''(1) The Defense Criminal Investigative Service (or any successor to that service).

''(2) The Army Criminal Investigation Command (or any successor to that command).

''(3) The Naval Criminal Investigative Service (or any successor to that service).

''(4) The Air Force Office of Special Investigations (or any successor to that office).''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1563, as added by section 533(b), the following new item:

''1564. Military criminal investigations: probable cause required for entry of names of subjects into official investigative reports.''.

(b) EFFECTIVE DATE.—Section 1564 of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 543. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM VIOLENT AND SEXUAL OFFENDERS IN THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding after section 1564, as added by section 542(a)(1), the end the following new section:

''§ 1565. DNA identification information: collection from violent and sexual offenders; use

''(a) COLLECTION OF DNA SAMPLES.—The Secretary concerned shall collect a DNA sample from each member of the armed forces under the Secretary's jurisdiction who is, or has been, convicted of a qualifying military offense (as determined under subsection (e)).

''(b) ANALYSIS OF SAMPLES.—The Secretary concerned shall furnish each DNA sample collected under subsection (a) to the Secretary of Defense. The Secretary of Defense shall carry out a DNA analysis on each such DNA sample.

''(c) DEFINITIONS.—In this section:

''(1) The term 'DNA sample' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

''(2) The term 'DNA analysis' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

''(d) USE IN CODIS.—(1) The Secretary of Defense shall furnish the results of each DNA analysis carried out under subsection (b) to the Director of the Federal Bureau of Investigation for use in the Combined DNA Index System (in this section referred to as 'CODIS') of the Federal Bureau of Investigation.

''(2) The Secretary of Defense, in consultation with the Director of the Federal Bureau of Investigation, shall establish procedures providing that if a DNA sample has been collected from a person pursuant to subsection (a), and the Secretary receives notice that each conviction of that person of a qualifying military offense has been overturned, the Secretary shall promptly transmit a notice of that fact to the Director in accordance with section 210304(d) of the Violent Crime Control and Law Enforcement Act of 1994.

''(e) QUALIFYING MILITARY OFFENSES.—(1) Subject to paragraph (2), the Secretary of Defense, in consultation with the Attorney General, shall determine those violent or sexual offenses under the Uniform Code of Military Justice that shall be considered for purposes of this section as qualifying military offenses.

''(2) An offense under the Uniform Code of Military Justice that is equivalent to a serious violent felony (as that term is defined in section 3559(c)(2)(F) of title 18), as determined by the Secretary in consultation with the Attorney General, shall be considered for purposes of this section as a qualifying military offense.

''(f) WAIVER.—The Secretary of Defense may waive the requirement of subsection (a) for a member if CODIS contains a DNA analysis with respect to that member.

''(g) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation and the Attorney General. Those regulations shall apply, to the extent practicable, uniformly throughout the armed forces.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1564, as added by section 542(a)(2), the following new item:

''1565. DNA identification information: collection from violent and sexual offenders; use.''

(b) INITIAL DETERMINATION OF QUALIFYING MILITARY OFFENSES.—The initial determination of qualifying military offenses under section 1565(e) of title 10, United States Code, as added by subsection (a)(1), shall be made not later than 120 days after the date of the enactment of this Act.

(c) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended—

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

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

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

''(3) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include analyses of DNA samples collected from members of the Armed Forces convicted of a qualifying military offense in accordance with section 1565 of title 10, United States Code.''.

(d) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

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

''(5) analyses of DNA samples collected from members of the Armed Forces convicted of a qualifying military offense in accordance with section 1565 of title 10, United States Code.'';

(2) in subsection (b)(2), by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''; and

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

''(d) EXPUNGEMENT OF RECORDS OF MILITARY OFFENDERS.—If the Director of the Federal Bureau of Investigation receives a notice transmitted under section 1565(d)(2) of title 10, United States Code, the Director shall promptly expunge from the index described in subsection (a) any DNA analysis furnished under section 1565(d)(1) of such title with respect to the person described in the notice.''.

SEC. 544. LIMITATION ON SECRETARIAL AUTHORITY TO GRANT CLEMENCY FOR MILITARY PRISONERS SERVING SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.

(a) LIMITATION.—Section 874(a) of title 10, United States Code (article 74(a) of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: ''However, in the case of a sentence of confinement for life without eligibility for parole, after the sentence is ordered executed, the authority of the Secretary concerned under the preceding sentence (1) may not be delegated, and (2) may be exercised only after the service of a period of confinement of not less than 20 years.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply with respect to a sentence of confinement for life without eligibility for parole that is adjudged for an offense committed before the date of the enactment of this Act.

SEC. 545. AUTHORITY FOR CIVILIAN SPECIAL AGENTS OF MILITARY DEPARTMENT CRIMINAL INVESTIGATIVE ORGANIZATIONS TO EXECUTE WARRANTS AND MAKE ARRESTS.

(a) DEPARTMENT OF THE ARMY.—(1) Chapter 373 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests

''(a) AUTHORITY.—The Secretary of the Army may authorize any Department of the Army civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Army who is a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Army.

''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Army and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Army, the Secretary of Defense, or the Attorney General.''.

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

''4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests.''.

(b) DEPARTMENT OF THE NAVY.—(1) Chapter 643 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7451. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests

''(a) AUTHORITY.—The Secretary of the Navy may authorize any Department of the Navy civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Navy who is a special agent of the Naval Criminal Investigative Service (or any successor to that service) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Navy.

''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Navy and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Navy, the Secretary of Defense, or the Attorney General.''.

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

''7451. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests.''.

(c) DEPARTMENT OF THE AIR FORCE.—(1) Chapter 873 of title 10, United States Code, is

amended by adding at the end the following new section:

''§ 9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests

''(a) AUTHORITY.—The Secretary of the Air Force may authorize any Department of the Air Force civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Air Force who is a special agent of the Air Force Office of Special Investigations (or a successor to that office) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Air Force.

''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Air Force and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Air Force, the Secretary of Defense, or the Attorney General.''.

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

''9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests.''.

Subtitle F—Other Matters

SEC. 551. FUNERAL HONORS DUTY COMPENSATION.

(a) COMPENSATION OF MEMBERS OF THE NATIONAL GUARD.—Section 115(b)(2) of title 32, United States Code, is amended by inserting before the period at the end the following: ''or compensation at the rate prescribed in section 206 of title 37''.

(b) COMPENSATION OF MEMBERS OF A RESERVE COMPONENT.—Section 12503(b)(2) of title 10, United States Code, is amended by inserting before the period at the end the following: ''or compensation at the rate prescribed in section 206 of title 37''.

(c) CONFORMING AMENDMENT.—Section 435(c) of title 37, United States Code, is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funeral honors duty performed on or after October 1, 2000.

SEC. 552. TEST OF ABILITY OF RESERVE COMPONENT INTELLIGENCE UNITS AND PERSONNEL TO MEET CURRENT AND EMERGING DEFENSE INTELLIGENCE NEEDS.

(a) TEST PROGRAM REQUIRED.—(1) Beginning not later than June 1, 2001, the Secretary of Defense shall conduct a three-year test program of reserve component intelligence units and personnel. The purpose of the test program shall be—

(A) to determine the most effective peacetime structure and operational employment of reserve component intelligence assets for meeting current and future Department of Defense peacetime operational intelligence requirements; and

(B) to establish a means to coordinate and transition that peacetime intelligence operational support network into use for meeting wartime requirements.

(2) The test program shall be carried out using the Joint Reserve Intelligence Program and appropriate reserve component intelligence units and personnel.

(3) In conducting the test program, the Secretary of Defense shall expand the current Joint Reserve Intelligence Program as needed to meet the objectives of the test program.

(b) OVERSIGHT PANEL.—The Secretary shall establish an oversight panel to structure the test program so as to achieve the objectives of the test program, ensure proper funding for the test program, and oversee the conduct and evaluation of the test program. The panel members shall include—

(1) the Assistant Secretary of Defense for Command, Control, Communications and Intelligence;

(2) the Assistant Secretary of Defense for Reserve Affairs; and

(3) representatives from the Defense Intelligence Agency, the Army, Navy, Air Force, and Marine Corps, the Joint Staff, and the combatant commands.

(c) TEST PROGRAM OBJECTIVES.—The test program shall have the following objectives:

(1) To identify the range of peacetime roles and missions that are appropriate for reserve component intelligence units and personnel, including the following missions: counterdrug, counterintelligence, counterterrorism, information operations, information warfare, and other emerging threats.

(2) To recommend a process for justifying and validating reserve component intelligence force structure and manpower to support the peacetime roles and missions identified under paragraph (1) and to establish a means to coordinate and transition that peacetime operational support network and structure into wartime requirements.

(3) To provide, pursuant to paragraphs (1) and (2), the basis for new or revised intelligence and reserve component policy guidelines for the peacetime use, organization, management, infrastructure ,and funding of reserve component intelligence units and personnel.

(4) To determine the most effective structure, organization, manning, and management of Joint Reserve Intelligence Centers to enable them to be both reserve training facilities and virtual collaborative production facilities in support of Department of Defense peacetime operational intelligence requirements.

(5) To determine the most effective uses of technology for virtual collaborative intelligence operational support during peacetime and wartime.

(6) To determine personnel and career management initiatives or modifications that are required to improve the recruiting and retention of personnel in the reserve component intelligence specialties and occupational skills.

(7) To identify and make recommendations for the elimination of statutory prohibitions and barriers to using reserve component intelligence units and individuals to carry out peacetime operational requirements.

(d) REPORTS.—The Secretary of Defense shall submit to Congress—

(1) interim reports on the status of the test program not later than July 1, 2002, and July 1, 2003; and

(2) a final report, with such recommendations for changes as the Secretary considers necessary, not later than December 1, 2004.

SEC. 553. NATIONAL GUARD CHALLENGE PROGRAM.

(a) EXPENDITURE LIMITATIONS.—Subsection (b) of section 509 of title 32, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense'';

(2) by striking '', except that Federal expenditures under the program may not exceed $62,500,000 for any fiscal year''; and

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

''(2) The Secretary shall carry out the National Guard Challenge Program using funds appropriated directly to the Secretary for the program and nondefense Federal funds made available or transferred to the Secretary by other Federal agencies to support the program. However, the amount of funds appropriated directly to the Secretary of Defense and expended for the program in a fiscal year may not exceed $62,500,000.''.

(b) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

''(m) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the National Guard Challenge Program. The regulations shall address at a minimum the following:

''(1) The terms to be included in the program agreements required by subsection (d).

''(2) The qualifications for persons to participate in the program, as required by subsection (e).

''(3) The benefits authorized for program participants, as required by subsection (f).

''(4) The status of National Guard personnel assigned to duty in support of the program.

''(5) The conditions for the use of National Guard facilities and equipment to carry out the program, as required by subsection (h).

''(6) The status of program participants, as described in subsection (i).

''(7) The procedures to be used by the Secretary when communicating with States about the program.''.

(c) CONFORMING AMENDMENT.—Section 2033 of title 10, United States Code, is amended by striking ''appropriated for'' and inserting ''appropriated directly to the Secretary of Defense for''.

SEC. 554. STUDY OF USE OF CIVILIAN CONTRACTOR PILOTS FOR OPERATIONAL SUPPORT MISSIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility and cost, as well as the advantages and disadvantages, of using civilian contractor personnal as pilots and other air crew members to fly nonmilitary Government aircraft (referred to as ''operational support aircraft'') to perform noncombat personnel transportation missions worldwide. In carrying out the study, the Secretary shall consider the views and recommendations of the Chairman of the Joint Chiefs and the other members of the Joint Chiefs of Staff.

(b) MATTERS TO BE INCLUDED.—The study shall, as a minimum—

(1) determine whether use of civilian contractor personnel as pilots and other air crew members for such operational support missions would be a cost effective means of freeing for duty in units with combat and combat support missions those military pilots and other personnel who now perform such operational support missions; and

(2) the effect on retention of military pilots and other personnel if they are no longer required to fly operational support missions.

(c) SUBMISSION OF REPORT.—The Secretary shall submit a report containing the results of the study to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than six months after the date of the enactment of this Act.

SEC. 555. PILOT PROGRAM TO ENHANCE MILITARY RECRUITING BY IMPROVING MILITARY AWARENESS OF SCHOOL COUNSELORS AND EDUCATORS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to determine if cooperation with military recruiters by local educational agencies and by institutions of higher education could be enhanced by improving the understanding of school counselors and educators about military recruiting and military career opportunities. The pilot program shall be conducted during a three-year period beginning not later than 180 days after the date of the enactment of this Act.

(b) CONDUCT OF PILOT PROGRAM THROUGH PARTICIPATION IN INTERACTIVE INTERNET SITE.—(1) The pilot program shall be conducted by means of participation by the Department of Defense in a qualifying interactive Internet site.

(2) For purposes of this section, a qualifying interactive Internet site is an Internet site in existence as of the date of the enactment of this

Act that is designed to provide to employees of local educational agencies and institutions of higher education participating in the Internet site—

(A) systems for communicating;

(B) resources for individual professional development;

(C) resources to enhance individual on-the-job effectiveness; and

(D) resources to improve organizational effectiveness.

(3) Participation in an Internet site by the Department of Defense for purposes of this section shall include—

(A) funding;

(B) assistance; and

(C) access by other Internet site participants to Department of Defense aptitude testing programs, career development information, and other resources, in addition to information on military recruiting and career opportunities.

(c) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the Secretary's findings and conclusions on the pilot program not later than 180 days after the end of the three-year program period.

SEC. 556. REIMBURSEMENT FOR EXPENSES INCURRED BY MEMBERS IN CONNECTION WITH CANCELLATION OF LEAVE ON SHORT NOTICE.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2647. Reimbursement for expenses incurred in connection with leave canceled due to contingency operations

''(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when the leave is canceled in connection with the member's participation in a contingency operation and the cancellation occurs within 48 hours of the time the leave would have commenced.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to establish the criteria for the applicability of subsection (a).

''(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.''.

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

''2647. Reimbursement for expenses incurred in connection with leave canceled due to contingency operations.''.

(b) EFFECTIVE DATE.—Section 2647 of title 10, United States Code, as added by subsection (a) shall apply with respect to any travel and related expenses incurred by a member in connection with leave canceled after the date of the enactment of this Act.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2001 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2001, the rates of monthly basic pay for members of the uniformed services are increased by 3.7 percent.

SEC. 602. REVISED METHOD FOR CALCULATION OF BASIC ALLOWANCE FOR SUBSISTENCE.

(a) ANNUAL REVISION OF RATE.—Section 402(b)(1) of title 37, United States Code, is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) The monthly rate of basic allowance for subsistence to be in effect for an enlisted member for a year (beginning on January 1 of that year) shall be equal to the sum of—

''(A) the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for the preceding year; plus

''(B) the product of the monthly rate under subparagraph (A) and the percentage increase in the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age over the preceding fiscal year, as determined by the Secretary of Agriculture each October 1.''.

(b) EARLY TERMINATION OF BAS TRANSITIONAL AUTHORITY.—Subsections (c) through (f) of section 602 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 402 note) are repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 603. FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE FOR LOW-INCOME MEMBERS OF THE ARMED FORCES.

(a) SUPPLEMENTAL ALLOWANCE AUTHORIZED.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§ 402a. Supplemental subsistence allowance for low-income members with dependents

''(a) SUPPLEMENTAL ALLOWANCE AUTHORIZED.—(1) The Secretary concerned may increase the basic allowance for subsistence to which a member of the armed forces described in subsection (b) is otherwise entitled under section 402 of this title by an amount (in this section referred to as the 'supplemental subsistence allowance') designed to remove the member's household from eligibility for benefits under the food stamp program.

''(2) The supplemental subsistence allowance may not exceed $500 per month. In establishing the amount of the supplemental subsistence allowance to be paid an eligible member under this paragraph, the Secretary shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.

''(3) In the case of a member described in subsection (b) who establishes to the satisfaction of the Secretary concerned that the allotment of the member's household under the food stamp program, calculated in the absence of the supplemental subsistence allowance, would exceed the amount established by the Secretary concerned under paragraph (2), the amount of the supplemental subsistence allowance for the member shall be equal to the lesser of the following:

''(A) The value of that allotment.

''(B) $500.

''(b) ELIGIBLE MEMBERS.—(1) Subject to subsection (d), a member of the armed forces is eligible to receive the supplemental subsistence allowance if the Secretary concerned determines that the member's income, together with the income of the rest of the member's household (if any), is within the highest income standard of eligibility, as then in effect under section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) and without regard to paragraph (1) of such section, for participation in the food stamp program.

''(2) In determining whether a member meets the eligibility criteria under paragraph (1), the Secretary—

''(A) shall not take into consideration the amount of the supplemental subsistence allowance payable under this section; but

''(B) shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.

''(c) APPLICATION FOR ALLOWANCE.—To request the supplemental subsistence allowance, a member shall submit an application to the Secretary concerned in such form and containing such information as the Secretary concerned may prescribe. A member applying for the supplemental subsistence allowance shall furnish such evidence regarding the member's satisfaction of the eligibility criteria under subsection (b) as the Secretary concerned may require.

''(d) EFFECTIVE PERIOD.—The eligibility of a member to receive the supplemental subsistence allowance terminates upon the occurrence of any of the following events, even though the member continues to meet the eligibility criteria described in subsection (b):

''(1) Payment of the supplemental subsistence allowance for 12 consecutive months.

''(2) Promotion of the member to a higher grade.

''(3) Transfer of the member in a permanent change of station.

''(e) REAPPLICATION.—Upon the termination of the effective period of the supplemental subsistence allowance for a member, or in anticipation of the imminent termination of the allowance, a member may reapply for the allowance under subsection (c) if the member continues to meet, or once again meets, the eligibility criteria described in subsection (b).

''(f) REPORTING REQUIREMENT.—Not later than March 1 of each year after 2001, the Secretary of Defense shall submit to Congress a report specifying the number of members of the armed forces who received, at any time during the preceding year, the supplemental subsistence allowance. In preparing the report, the Secretary of Defense shall consult with the Secretary of Transportation. No report is required under this subsection after March 1, 2006.

''(g) DEFINITIONS.—In this section:

''(1) The term 'Secretary concerned' means the Secretary of Defense, and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy.

''(2) The terms 'allotment' and 'household' have the meanings given those terms in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

''(3) The term 'food stamp program' means the program established pursuant to section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013).

''(h) TERMINATION OF AUTHORITY.—No supplemental subsistence allowance may be made under this section after September 30, 2006.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

''402a. Supplemental subsistence allowance for low-income members with dependents.''.

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month that begins not less than 180 days after the date of the enactment of this Act.

SEC. 604. CALCULATION OF BASIC ALLOWANCE FOR HOUSING FOR INSIDE THE UNITED STATES.

(a) SECRETARY OF DEFENSE TO PRESCRIBE RATES.—Paragraph (2) of section 403(b) of title 37, United States Code, is amended to read as follows:

''(2) The Secretary of Defense shall prescribe the monthly amount of the basic allowance for housing for a member of a uniformed service who is entitled to the allowance in a military housing area in the United States at a rate based upon the costs of adequate housing in the area determined under paragraph (1).''.

(b) MINIMUM ANNUAL AMOUNT AVAILABLE FOR HOUSING ALLOWANCES.—Paragraph (3) of such section is amended to read as follows:

''(3) The total amount that may be paid for a fiscal year for the basic allowance for housing under this subsection may not be less than the product of—

''(A) the total amount authorized to be paid for such allowance for the preceding fiscal year; and

''(B) a fraction—

''(i) the numerator of which is the index of the national average monthly cost of housing for June of the preceding fiscal year; and

''(ii) the denominator of which is the index of the national average monthly cost of housing for June of the second preceding fiscal year.''.

(c) REPEAL OF REQUIRED ADJUSTMENT.—Paragraph (5) of such section is repealed.

(d) BASIS FOR REDUCTION IN MEMBER'S ALLOWANCE.—Paragraph (6) of such section is amended by striking '', changes in the national average monthly cost of housing,''.

(e) EXTENSION OF TRANSITION PERIOD.—Section 603(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 403 note) is amended by striking ''six years'' and inserting ''eight years''.

(f) READJUSTMENT OF ALLOWANCE FOR CERTAIN PERIOD.—A member of the uniformed services who was entitled to the basic allowance for housing for a military housing area in the United States during the period that began on January 1, 2000, and ended on March 1, 2000, shall be paid the allowance at a monthly rate not less than the rate in effect on December 31, 1999, in that area for members serving in the same pay grade and with the same dependency status as the member.

SEC. 605. EQUITABLE TREATMENT OF JUNIOR ENLISTED MEMBERS IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING.

(a) DETERMINATION OF COSTS OF ADEQUATE HOUSING.—Subsection (b)(1) of section 403 of title 37, United States Code, is amended by adding at the end the following new sentence: ''In determining what constitutes adequate housing for members, the Secretary may not differentiate between members with dependents in pay grades E–1 through E–4.''.

(b) SINGLE RATE; MINIMUM.—Subsection (b) of such section, as amended by section 604(c) of this Act, is further amended by inserting after paragraph (4) the following new paragraph:

''(5) The Secretary shall establish a single monthly rate for members of the uniformed services with dependents in pay grades E–1 through E–4 in the same military housing area. The rate shall be consistent with the rates paid to members in pay grades other than pay grades E–1 through E–4 and shall be based on the following:

''(A) The average cost of a two-bedroom apartment in that military housing area.

''(B) One-half of the difference between the average cost of a two-bedroom townhouse in that area and the amount determined in subparagraph (A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2001.

SEC. 606. BASIC ALLOWANCE FOR HOUSING AUTHORIZED FOR ADDITIONAL MEMBERS WITHOUT DEPENDENTS WHO ARE ON SEA DUTY.

(a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of section 403 of title 37, United States Code, is amended by striking ''E–5'' both places it appears and inserting ''E–4 or E–5''.

(b) CONFORMING AMENDMENT.—Subsection (m)(1)(B) of such section is amended by striking ''E–4'' and inserting ''E–3''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 607. PERSONAL MONEY ALLOWANCE FOR SENIOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—Section 414 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(c) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.—In addition to other pay or allowances authorized by this title, a noncommissioned officer is entitled to a personal money allowance of $2,000 a year while serving as the Sergeant Major of the Army, the Master Chief Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, or the Master Chief Petty Officer of the Coast Guard.''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''ALLOWANCE FOR OFFICERS SERVING IN CERTAIN RANKS OR POSITIONS.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''ALLOWANCE FOR CERTAIN NAVAL OFFICERS.—'' after ''(b)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 608. ALLOWANCE FOR OFFICERS FOR PURCHASE OF REQUIRED UNIFORMS AND EQUIPMENT.

(a) INITIAL ALLOWANCE FOR OFFICERS.—Section 415(a) of title 37, United States Code, is amended by striking ''$200'' and inserting ''$400''.

(b) ADDITIONAL ALLOWANCE.—Section 416(a) of such title is amended by striking ''$100'' and inserting ''$200''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 609. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR MEMBERS OF PRECOMMISSIONING PROGRAMS.

(a) MINIMUM AND MAXIMUM RATES.—Subsection (a) of section 209 of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except'';

(2) by striking ''subsistence allowance of $200 a month'' and inserting ''monthly subsistence allowance at a rate prescribed under paragraph (2)'';

(3) by striking ''Subsistence'' and inserting the following:

''(3) A subsistence''; and

(4) by inserting after the first sentence the following:

''(2) The Secretary of Defense shall prescribe by regulation the monthly rates for subsistence allowances provided under this section. The rate may not be less than $250 per month, but may not exceed $600 per month.''.

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking ''in the amount provided in subsection (a)'' and inserting ''at a rate prescribed under subsection (a)(2)''.

(2) Subsection (d) of such section is amended by striking ''the same rate as that prescribed by subsection (a),'' and inserting ''the monthly rate prescribed under subsection (a)(2)''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''SENIOR ROTC MEMBERS IN ADVANCED TRAINING.—'' after ''(a)'';

(2) in subsection (b), by inserting ''SENIOR ROTC MEMBERS APPOINTED IN RESERVES.—'' after ''(b)'';

(3) in subsection (c), by inserting ''PAY WHILE ATTENDING TRAINING OR PRACTICE CRUISE.—'' after ''(c)'' the first place it appears; and

(4) in subsection (d), by inserting ''MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAM.—'' after ''(d)''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect October 1, 2001.

SEC. 610. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2001 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code (as amended by section 604(b)), to be the total amount to be paid during fiscal year 2001 for the basic allowance for housing for military housing areas inside the United States, $30,000,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking ''January 1, 2001'' and inserting ''January 1, 2002''.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2000,'' and inserting ''December 31, 2001,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(c) ENLISTMENT BONUS FOR PERSONS WITH CRITICAL SKILLS.—Section 308a(d) of such title

is amended by striking ''December 31, 2000'' and inserting ''September 30, 2001''.

(d) ARMY ENLISTMENT BONUS.—Section 308f(c) of such title is amended by striking ''December 31, 2000'' and inserting ''September 30, 2001''.

(e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

SEC. 614. CONSISTENCY OF AUTHORITIES FOR SPECIAL PAY FOR RESERVE MEDICAL AND DENTAL OFFICERS.

(a) CONSISTENT DESCRIPTIONS OF ACTIVE DUTY.—Section 302(h)(1) of title 37, United States Code, is amended by inserting before the period at the end the following: '', including active duty in the form of annual training, active duty for training, and active duty for special work''.

(b) RELATION TO OTHER SPECIAL PAY AUTHORITIES.—Subsection (d) of section 302f of such title is amended to read as follows:

''(d) EXCEPTION.—While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.''.

SEC. 615. SPECIAL PAY FOR COAST GUARD PHYSICIAN ASSISTANTS.

Section 302c(d)(1) of title 37, United States Code, is amended by inserting ''an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant,'' after ''nurse,''.

SEC. 616. SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS.

(a) INCREASE IN MONTHLY RATE.—Subsection (a) of section 307 of title 37, United States Code, is amended by striking ''$275'' and inserting ''$600''.

(b) ELIMINATION OF SEPARATE RATE FOR RECRUITERS.—Such subsection is further amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

SEC. 617. REVISION OF CAREER SEA PAY.

(a) IN GENERAL.—Section 305a of title 37, United States Code, is amended by striking subsections (a), (b), and (c) and inserting the following new subsections:

''(a) AVAILABILITY OF SPECIAL PAY.—A member of a uniformed service who is entitled to basic pay is also entitled, while on sea duty, to career sea pay at a monthly rate prescribed by the Secretary concerned, but not to exceed $750 per month.

''(b) ELIGIBILITY FOR PREMIUM.—A member of a uniformed service entitled to career sea pay under subsection (a) who has served 36 consecutive months of sea duty is also entitled to a career sea pay premium for the 37th consecutive month and each subsequent consecutive month of sea duty served by the member. The monthly amount of the premium shall be prescribed by the Secretary concerned, but may not exceed $350 per month.

''(c) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(b) STYLISTIC AMENDMENT.—Subsection (d) of such section is amended by striking ''(d)'' and inserting ''(d) DEFINITION OF SEA DUTY.—''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

SEC. 618. REVISION OF ENLISTMENT BONUS AUTHORITY.

(a) BONUS AUTHORIZED.—(1) Title 37, United States Code, is amended by inserting after section 308i the following new section:

''§ 309. Special pay: enlistment bonus

''(a) BONUS AUTHORIZED; BONUS AMOUNT.—A person who enlists in an armed force for a period of at least two years may be paid a bonus in an amount not to exceed $20,000. The bonus may be paid in a single lump sum or in periodic installments.

''(b) REPAYMENT OF BONUS.—(1) A member of the armed forces who voluntarily, or because of the member's misconduct, does not complete the term of enlistment for which a bonus was paid under this section, or a member who is not technically qualified in the skill for which the bonus was paid, if any (other than a member who is not qualified because of injury, illness, or other impairment not the result of the member's misconduct), shall refund to the United States that percentage of the bonus that the unexpired part of member's enlistment is of the total enlistment period for which the bonus was paid.

''(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving the bonus from the debt arising under paragraph (1).

''(c) RELATION TO PROHIBITION ON BOUNTIES.—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

''(d) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

''(e) DURATION OF AUTHORITY.—No bonus shall be paid under this section with respect to any enlistment in the armed forces made before October 1, 2001, or after December 31, 2001.''.

(2) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308i the following new item:

''309. Special pay: enlistment bonus.''.

(b) REPEAL OF SUPERSEDED ENLISTMENT BONUS AUTHORITIES.—(1) Sections 308a and 308f of title 37, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the items relating to sections 308a and 308f.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect on October 1, 2001.

SEC. 619. AUTHORIZATION OF RETENTION BONUS FOR MEMBERS OF THE ARMED FORCES QUALIFIED IN A CRITICAL MILITARY SKILL.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 323. Special pay: retention incentives for members qualified in a critical military skill

''(a) RETENTION BONUS AUTHORIZED.—An officer or enlisted member of the armed forces who is serving on active duty and is qualified in a designated critical military skill may be paid a retention bonus as provided in this section if—

''(1) in the case of an officer, the member executes a written agreement to remain on active duty for at least one year; or

''(2) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment for a period of at least one year.

''(b) DESIGNATION OF CRITICAL SKILLS.—(1) A designated critical military skill referred to in subsection (a) is a military skill designated as critical by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

''(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall notify Congress, in advance, of each military skill to be designated by the Secretary as critical for purposes of this section. The notice shall be submitted at least 90 days before any bonus with regard to that critical skill is offered under subsection (a) and shall include a discussion of the necessity for the bonus, the amount and method of payment of the bonus, and the retention results that the bonus is expected to achieve.

''(c) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum or in periodic installments.

''(d) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than $200,000 in payments under this section.

''(e) CERTAIN MEMBERS INELIGIBLE.—A retention bonus may not be provided under subsection (a) to a member of the armed forces who—

''(1) has completed more than 25 years of active duty; or

''(2) will complete the member's 25th year of active duty before the end of the period of active duty for which the bonus is being offered.

''(f) RELATIONSHIP TO OTHER INCENTIVES.—A retention bonus paid under this section is in addition to any other pay and allowances to which a member is entitled.

''(g) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) fails to complete the total period of active duty specified in the agreement, or an enlisted member who voluntarily or because of misconduct does not complete the term of enlistment for which a bonus was paid under this section, the Secretary of Defense, and the Secretary of Transportation with respect to members of the Coast Guard when it is not operating as a service in the Navy, may require the member to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the member from a debt arising under paragraph (2).

''(h) ANNUAL REPORT.—Not later than February 15 of each year, the Secretary of Defense and the Secretary of Transportation shall submit to Congress a report—

''(1) analyzing the effect, during the preceding fiscal year, of the provision of bonuses under this section on the retention of members qualified in the critical military skills for which the bonuses were offered; and

''(2) describing the intentions of the Secretary regarding the continued use of the bonus authority during the current and next fiscal years.

''(i) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any reenlistment, or voluntary extension of an enlistment, in the armed forces entered into after December 31, 2001, and no agreement under this section may be entered into after that date.''.

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

''323. Special pay: retention incentives for members qualified in critical military skill.''.

(b) EFFECTIVE DATE.—Section 323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

SEC. 620. ELIMINATION OF REQUIRED CONGRESSIONAL NOTIFICATION BEFORE IMPLEMENTATION OF CERTAIN SPECIAL PAY AUTHORITY.

(a) RETENTION SPECIAL PAY FOR OPTOMETRISTS.—(1) Section 302a(b)(1) of title 37, United States Code, is amended by striking ''an officer described in paragraph (2) may be paid'' and inserting ''the Secretary concerned may pay an officer described in paragraph (2) a''.

(2) Section 617 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1578) is amended by striking subsection (b).

(b) SPECIAL PAY FOR OFFICERS IN NURSING SPECIALTIES.—(1) Section 302e(b)(2)(A) of title 37, United States Code, is amended by striking ''the Secretary'' and inserting ''the Secretary of the military department concerned''.

(2) Section 614 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1577) is amended by striking subsection (c).

Subtitle C—Travel and Transportation Allowances

SEC. 631. ADVANCE PAYMENTS FOR TEMPORARY LODGING OF MEMBERS AND DEPENDENTS.

(a) SUBSISTENCE EXPENSES.—Section 404a of title 37, United States Code, is amended—

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

(2) by striking subsection (a) and inserting the following:

''(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE EXPENSES.—(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member's dependents for the period (subject to subsection (c)) for which the member and dependents occupy temporary quarters incident to that change of permanent station.

''(2) Paragraph (1) applies to the following:

''(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

''(B) A permanent change of station from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska.

''(C) In the case of an enlisted member who is reporting to the member's first permanent duty station, the change from the member's home of record or initial technical school to that first permanent duty station.

''(b) PAYMENT IN ADVANCE.—The Secretary concerned may make any payment for subsistence expenses to a member under this section in advance of the member actually incurring the expenses. The amount of an advance payment made to a member shall be computed on the basis of the Secretary's determination of the average number of days that members and their dependents occupy temporary quarters under the circumstances applicable to the member and the member's dependents.

''(c) MAXIMUM PAYMENT PERIOD.—(1) In the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2), the period for which subsistence expenses are to be paid or reimbursed under this section may not exceed 10 days.

''(2) In the case of a change of permanent station described in subsection (a)(2)(B)—

''(A) the period for which such expenses are to be paid or reimbursed under this section may not exceed five days; and

''(B) such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).''.

(b) PER DIEM.—Section 405 of such title is amended to read as follows:

''§ 405. Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska

''(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the United States or in Hawaii or Alaska, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

''(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary's jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

''(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.''.

(c) STYLISTIC AMENDMENTS.—Section 404a of such title is further amended—

(1) in subsection (d), as redesignated by subsection (a), by striking ''(d)'' and inserting ''(d) DAILY SUBSISTENCE RATES.—''; and

(2) in subsection (e), as redesignated by subsection (a), by striking ''(e)'' and inserting ''(e) MAXIMUM DAILY PAYMENT.—''.

SEC. 632. ADDITIONAL TRANSPORTATION ALLOWANCE REGARDING BAGGAGE AND HOUSEHOLD EFFECTS.

(a) PET QUARANTINE FEES.—Section 406(a)(1) of title 37, United States Code, is amended by adding at the end the following new sentence: ''The Secretary concerned may also reimburse the member for mandatory pet quarantine fees for household pets, but not to exceed $275 per change of station, when the member incurs the fees incident to such change of station.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2000.

SEC. 633. EQUITABLE DISLOCATION ALLOWANCES FOR JUNIOR ENLISTED MEMBERS.

Section 407(c)(1) of title 37, United States Code, is amended by inserting before the period the following: '', except that the Secretary concerned may not differentiate between members with dependents in pay grades E–1 through E–5''.

SEC. 634. AUTHORITY TO REIMBURSE MILITARY RECRUITERS, SENIOR ROTC CADRE, AND MILITARY ENTRANCE PROCESSING PERSONNEL FOR CERTAIN PARKING EXPENSES.

(a) REIMBURSEMENT AUTHORITY.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411h the following new section:

''§ 411i. Travel and transportation allowances: parking expenses

''(a) REIMBURSEMENT AUTHORITY.—The Secretary of Defense may reimburse a member of the Army, Navy, Air Force, or Marine Corps described in subsection (b) for expenses incurred by the member in parking a privately owned vehicle being used by the member to commute to the member's place of duty.

''(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member who is—

''(1) assigned to duty as a recruiter for any of the armed forces;

''(2) assigned to duty with a military entrance processing facility of the armed forces; or

''(3) detailed for instructional and administrative duties at any institution where a unit of the Senior Reserve Officers' Training Corps is maintained.

''(c) INCLUSION OF CERTAIN CIVILIAN EMPLOYEES.—The Secretary of Defense may extend the reimbursement authority provided by subsection (a) to civilian employees of the Department of Defense whose employment responsibilities include performing activities related to the duties specified in subsection (b).''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411h the following new item:

''411i. Travel and transportation allowances: parking expenses.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 635. EXPANSION OF FUNDED STUDENT TRAVEL FOR DEPENDENTS.

Section 430 of title 37, United States Code, is amended—

(1) in subsections (a)(3) and (b)(1), by striking ''for the purpose of obtaining a secondary or undergraduate college education'' and inserting ''for the purpose of obtaining a formal education''; and

(2) in subsection (f)—

(A) by striking ''In this section, the term'' and inserting the following:

''In this section:

''(1) The term''; and

(B) by adding at the end the following new subparagraph:

''(2) The term 'formal education' means the following:

''(A) A secondary education.

''(B) An undergraduate college education.

''(C) A graduate education pursued on a full-time basis at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

''(D) Vocational education pursued on a full-time basis at a post-secondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))).''.

Subtitle D—Retirement and Survivor Benefit Matters

SEC. 641. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking ''but not more than'' and all that follows and inserting ''but not more than—

''(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

''(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001; and

''(C) 90 days in the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001 and in any subsequent year of service.''.

SEC. 642. RESERVE COMPONENT SURVIVOR BENEFIT PLAN SPOUSAL CONSENT REQUIREMENT.

(a) ELIGIBLE PARTICIPANTS.—Subsection (a)(2)(B) of section 1448 of title 10, United States Code, is amended to read as follows:

''(B) RESERVE-COMPONENT ANNUITY PARTICIPANTS.—A person who (i) is eligible to participate in the Plan under paragraph (1)(B), and (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, unless the person elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the end of the 90-day period beginning on the date on which he receives that notification.''.

(b) SUBSEQUENT ELECTION TO PARTICIPATE.—Subsection (a)(3)(B) of such section is amended—

(1) by striking ''who elects to provide'' and inserting ''who is eligible to provide'';

(2) by redesignating clauses (i) and (ii) as clauses (iii) and (iv), respectively; and

(3) by inserting before clause (iii) (as so redesignated) the following new clauses:

''(i) not to participate in the Plan;

''(ii) to designate under subsection (e)(2) the effective date for commencement of annuity payments under the Plan in the event that the member dies before becoming 60 years of age to be the 60th anniversary of the member's birth (rather than the day after the date of the member's death);''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(2), by striking ''described in clauses (i) and (ii)'' in the sentence following subparagraph (B) (as amended by subsection (a)) and all that follows through ''that clause'' and inserting ''who elects under subparagraph (B) not to participate in the Plan'';

(2) in subsection (a)(4)—

(A) by striking ''not to participate in the Plan'' in subparagraph (A); and

(B) by striking ''to participate in the Plan'' in subparagraph (B); and

(3) in subsection (e), by striking ''making such election''.

(d) EFFECTIVE DATE.—The amendments made by this section apply only with respect to a notification under section 12731(d) of title 10, United States Code, made after January 1, 2001, that a member of a reserve component has completed the years of service required for eligibility for reserve-component retired pay.

Subtitle E—Other Matters

SEC. 651. PARTICIPATION IN THRIFT SAVINGS PLAN.

For purposes of subtitle F of title VI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 670), both of the conditions under section 663(b)(1) of such Act shall be considered met on July 15, 2001 (unless earlier met).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF CONTRACT PHYSICIANS AT MILITARY ENTRANCE PROCESSING STATIONS AND ELSEWHERE OUTSIDE MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking ''December 31, 2000'' in the second sentence and inserting ''December 31, 2002''.

SEC. 702. MEDICAL AND DENTAL CARE FOR MEDAL OF HONOR RECIPIENTS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074g the following new section:

''§ 1074h. Medical and dental care: medal of honor recipients; dependents

''(a) MEDAL OF HONOR RECIPIENTS.—A former member of the armed forces who is a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if entitled to retired pay.

''(b) DEPENDENTS.—A person who is a dependent of a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if the Medal of Honor recipient were, or (if deceased) was at the time of death, entitled to retired pay.

''(c) DEFINITIONS—In this section:

''(1) The term 'Medal of Honor recipient' means a member or former member of the armed forces who has been awarded a medal of honor under section 3741, 6241, or 8741 of this title or section 491 of title 14.

''(2) The term 'dependent' has the meaning given that term in subparagraphs (A), (B), (C), and (D) of section 1072(2) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074g the following new item:

''1074h. Medical and dental care: medal of honor recipients; dependents.''.

(b) EFFECTIVE DATE.—Section 1074h of title 10, United States Code, shall apply with respect to medical and dental care provided on or after the date of the enactment of this Act.

SEC. 703. PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CHAMPUS BENEFICIARIES AND CERTAIN FORMER CHAMPUS BENEFICIARIES.

(a) IN GENERAL.—Section 703(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note) is amended by adding at the end the following:

''(4) The Secretary may provide payment for domiciliary or custodial care services provided to an eligible beneficiary for which payment was discontinued by reason of section 1086(d) of title 10, United States Code, and subsequently reestablished under other legal authority. Such payment is authorized for the period beginning on the date of discontinuation of payment for domiciliary or custodial care services and ending on the date of reestablishment of payment for such services.''.

(b) COST LIMITATION FOR INDIVIDUAL CASE MANAGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10, United States Code, is amended—

(A) by inserting ''(A)'' after ''(17)''; and

(B) by adding at the end the following:

''(B) The total amount expended under subparagraph (A) for a fiscal year may not exceed $100,000,000.''.

(2) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 is amended by adding at the end the following:

''(e) COST LIMITATION.—The total amount paid for services for eligible beneficiaries under subsection (a) for a fiscal year (together with the costs of administering the authority under that subsection) shall be included in the expenditures limited by section 1079(a)(17)(B) of title 10, United States Code.''.

(3) The amendments made by paragraphs (1) and (2) shall apply to fiscal years after fiscal year 1999.

SEC. 704. DEMONSTRATION PROJECT FOR EXPANDED ACCESS TO MENTAL HEALTH COUNSELORS.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project under which licensed and certified professional mental health counselors who meet eligibility requirements for participation as providers under the Civilian Health and Medical Program of the Uniformed Services (hereinafter in this section referred to as ''CHAMPUS'') or the TRICARE program may provide services to covered beneficiaries under chapter 55 of title 10, United States Code, without referral by physicians or adherence to supervision requirements.

(b) DURATION AND LOCATION OF PROJECT.—The Secretary shall conduct the demonstration project required by subsection (a)—

(1) during the 2-year period beginning October 1, 2001; and

(2) in one established TRICARE region.

(c) REGULATIONS.—The Secretary shall prescribe regulations regarding participation in the demonstration project required by subsection (a).

(d) PLAN FOR PROJECT.—Not later than March 31, 2001, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to carry out the demonstration project. The plan shall include, but not be limited to, a description of the following:

(1) The TRICARE region in which the project will be conducted.

(2) The estimated funds required to carry out the demonstration project.

(3) The criteria for determining which professional mental health counselors will be authorized to participate under the demonstration project.

(4) The plan of action, including critical milestone dates, for carrying out the demonstration project.

(e) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the demonstration project carried out under this section. The report shall include the following:

(1) A description of the extent to which expenditures for reimbursement of licensed or certified professional mental health counselors change as a result of allowing the independent practice of such counselors.

(2) Data on utilization and reimbursement regarding non-physician mental health professionals other than licensed or certified professional mental health counselors under CHAMPUS and the TRICARE program.

(3) Data on utilization and reimbursement regarding physicians who make referrals to, and supervise, mental health counselors.

(4) A description of the administrative costs incurred as a result of the requirement for documentation of referral to mental health counselors and supervision activities for such counselors.

(5) For each of the categories described in paragraphs (1) through (4), a comparison of data for a one-year period for the area in which the demonstration project is being implemented with corresponding data for a similar area in which the demonstration project is not being implemented.

(6) A description of the ways in which allowing for independent reimbursement of licensed or certified professional mental health counselors affects the confidentiality of mental health and substance abuse services for covered beneficiaries under CHAMPUS and the TRICARE program.

(7) A description of the effect, if any, of changing reimbursement policies on the health and treatment of covered beneficiaries under CHAMPUS and the TRICARE program, including a comparison of the treatment outcomes of covered beneficiaries who receive mental health services from licensed or certified professional mental health counselors acting under physician referral and supervision, other non-physician mental health providers recognized under the program, and physicians, with treatment outcomes under the demonstration project allowing independent practice of professional counselors on the same basis as other non-physician mental health providers.

(8) The effect of policies of the Department of Defense on the willingness of licensed or certified professional mental health counselors to participate as health care providers in CHAMPUS and the TRICARE program.

(9) Any policy requests or recommendations regarding mental health counselors made by health care plans and managed care organizations participating in CHAMPUS or the TRICARE program.

SEC. 705. TELERADIOLOGY DEMONSTRATION PROJECT.

(a) REQUIREMENT TO CONDUCT PROJECT.—(1) The Secretary of Defense shall conduct a demonstration project for the purpose of increasing efficiency of operations with respect to teleradiology at a military medical treatment facility and supporting remote clinics and increasing coordination with respect to teleradiology between such facility and clinics. Under the project, a military medical treatment facility and each clinic supported by such facility shall be linked by a digital radiology network through which digital radiology X-rays may be sent electronically from clinics to the military medical treatment facility.

(2) The demonstration project shall be conducted at a multi-specialty tertiary-care military medical treatment facility affiliated with a university medical school, that is supported by at least five geographically dispersed remote clinics of the Departments of the Army, Navy, and Air Force, and clinics of the Department of Veterans Affairs and the Coast Guard.

(b) DURATION OF PROJECT.—The Secretary shall conduct the project during the two-year period beginning on the date of the enactment of this Act.

Subtitle B—TRICARE Program

SEC. 711. ADDITIONAL BENEFICIARIES UNDER TRICARE PRIME REMOTE PROGRAM IN THE CONTINENTAL UNITED STATES.

(a) COVERAGE OF OTHER UNIFORMED SERVICES.—(1) Section 1074(c) of title 10, United States Code, is amended—

(A) by striking ''armed forces'' each place it appears, except in paragraph (3)(A), and inserting ''uniformed services'';

(B) in paragraph (1), by inserting after ''military department'' in the first sentence the following: '', the Department of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy), or the Department of Health and Human Services (with respect to the National Oceanic and Atmospheric Administration and the Public Health Service)'';

(C) in paragraph (2), by adding at the end the following:

''(C) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this paragraph.''; and

(D) in paragraph (3)(A), by striking ''The Secretary of Defense may not require a member of the armed forces described in subparagraph (B)'' and inserting ''A member of the uniformed services described in subparagraph (B) may not be required''.

(2)(A) Subsections (b), (c), and (d)(3) of section 731 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note) are amended by striking ''Armed Forces'' and inserting ''uniformed services''.

(B) Subsection (b) of such section is further amended by adding at the end the following:

''(4) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.''.

(C) Subsection (f) of such section is amended by adding at the end the following:

''(3) The terms 'uniformed services' and 'administering Secretaries' have the meanings given those terms in section 1072 of title 10, United States Code.''.

(3) Section 706(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 684) is amended by striking ''Armed Forces'' and inserting ''uniformed services (as defined in section 1072(1) of title 10, United States Code)''.

(b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section 1079 of title 10, United States Code, is amended by adding at the end the following:

''(p)(1) Subject to such exceptions as the Secretary of Defense considers necessary, coverage for medical care under this section for the dependents referred to in subsection (a) of a member of the uniformed services referred to in section 1074(c)(3) of this title who are residing with the member, and standards with respect to timely access to such care, shall be comparable to coverage for medical care and standards for timely access to such care under the managed care option of the TRICARE program known as TRICARE Prime.

''(2) The Secretary of Defense shall enter into arrangements with contractors under the TRICARE program or with other appropriate contractors for the timely and efficient processing of claims under this subsection.

''(3) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.''.

(2) Section 731(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note) is amended—

(A) in paragraph (1), by adding at the end the following: ''A dependent of the member, as described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, who is residing with the member shall have the same entitlement to care and to waiver of charges as the member.''; and

(B) in paragraph (2), by inserting ''or dependent of the member, as the case may be,'' after ''(2) A member''.

(c) EFFECTIVE DATE.—(1) The amendments made by subsection (a)(2), with respect to members of the uniformed services, and the amendments made by subsection (b)(2), with respect to dependents of members, shall take effect on the date of the enactment of this Act and shall expire with respect to a member or the dependents of a member, respectively, on the later of the following:

(A) The date that is one year after the date of the enactment of this Act.

(B) The date on which the amendments made by subsection (a)(1) or (b)(1) apply with respect to the coverage of medical care for and provision of such care to the member or dependents, respectively.

(2) Section 731(b)(3) of Public Law 105–85 does not apply to a member of the Coast Guard, the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or to a dependent of a member of a uniformed service.

SEC. 712. ELIMINATION OF COPAYMENTS FOR IMMEDIATE FAMILY.

(a) NO COPAYMENT FOR IMMEDIATE FAMILY.—Section 1097a of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) NO COPAYMENT FOR IMMEDIATE FAMILY.—No copayment shall be charged a member for care provided under TRICARE Prime to a dependent of a member of the uniformed services described in subparagraph (A), (D), or (I) of section 1072(2) of this title.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000, and shall apply with respect to care provided on or after that date.

SEC. 713. MODERNIZATION OF TRICARE BUSINESS PRACTICES AND INCREASE OF USE OF MILITARY TREATMENT FACILITIES.

(a) REQUIREMENT TO IMPLEMENT INTERNET-BASED SYSTEM.—Not later than October 1, 2001, the Secretary of Defense shall implement a system to simplify and make accessible through the use of the Internet, through commercially available systems and products, critical administrative processes within the military health care system and the TRICARE program. The purpose of the system shall be to enhance efficiency, improve service, and achieve commercially recognized standards of performance.

(b) REQUIREMENTS OF SYSTEM.—The system required by subsection (a) —

(1) shall comply with patient confidentiality and security requirements, and incorporate data requirements, that are currently widely used by insurers under medicare and commercial insurers;

(2) shall be designed to achieve improvements with respect to—

(A) the availability and scheduling of appointments;

(B) the filing, processing, and payment of claims;

(C) marketing and information initiatives;

(D) the continuation of enrollments without expiration; and

(E) the portability of enrollments nationwide; and

(3) may be implemented through a contractor under TRICARE Prime.

(c) AREAS OF IMPLEMENTATION.—The Secretary shall implement the system required by subsection (a) in at least one region under the TRICARE program.

(d) PLAN FOR IMPROVED PORTABILITY OF BENEFITS.—Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to provide portability and reciprocity of benefits for all enrollees under the TRICARE program throughout all TRICARE regions.

(e) INCREASE OF USE OF MILITARY MEDICAL TREATMENT FACILITIES.—The Secretary shall initiate a program to maximize the use of military medical treatment facilities by improving the efficiency of health care operations in such facilities.

(f) DEFINITION.—In this section the term ''TRICARE program'' shall have the meaning given such term in section 1072 of title 10, United States Code.

SEC. 714. CLAIMS PROCESSING IMPROVEMENTS.

Beginning on the date of the enactment of this Act, the Secretary of Defense shall take all necessary actions to implement the following improvements with respect to processing of claims under the TRICARE program:

(1) Use of the TRICARE encounter data information system rather than the health care service record in maintaining information on covered beneficiaries under chapter 55 of title 10, United States Code.

(2) Elimination of all delays in payment of claims to health care providers that may result from the development of the health care service record or TRICARE encounter data information.

(3) Require all health care providers under the TRICARE program that the Secretary determines are high-volume providers to submit claims electronically.

(4) Process 50 percent of all claims by health care providers and institutions under the TRICARE program by electronic means.

(5) Authorize managed care support contractors under the TRICARE program to require providers to access information on the status of claims through the use of telephone automated voice response units.

SEC. 715. PROHIBITION AGAINST REQUIREMENT FOR PRIOR AUTHORIZATION FOR CERTAIN REFERRALS; REPORT ON NONAVAILABILITY-OF-HEALTH-CARE STATEMENTS.

(a) PROHIBITION REGARDING PRIOR AUTHORIZATION FOR REFERRALS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095e the following new section:

''§ 1095f. TRICARE program: referrals for specialty health care

''The Secretary of Defense shall provide that no contract for managed care support under the TRICARE program shall require a managed care support contractor to require a primary care provider or specialty care provider to obtain prior authorization before referring a patient to a specialty care provider that is part of the network of health care providers or institutions of the contractor.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095e the following new item:

''1095f. TRICARE program: referrals for specialty health care.''.

(b) REPORT.—Not later than February 1, 2001, the Comptroller General shall submit to Congress a report on the financial and management implications of eliminating the requirement to obtain nonavailability-of-health-care statements under section 1080 of title 10, United States Code.

(c) EFFECTIVE DATE.—Section 1095f of title 10, United States Code, as added by subsection (a), shall apply with respect to a managed care support contract entered into by the Department of

Defense after the date of the enactment of this Act.

SEC. 716. AUTHORITY TO ESTABLISH SPECIAL LOCALITY-BASED REIMBURSEMENT RATES; REPORTS.

(a) IN GENERAL.—Section 1079(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) To assure access to care for all covered beneficiaries, the Secretary of Defense, in consultation with the other administering Secretaries, shall designate specific rates for reimbursement for services in certain localities if the Secretary determines that without payment of such rates access to health care services would be severely impaired. Such a determination shall be based on consideration of the number of providers in a locality who provide the services, the number of such providers who are CHAMPUS participating providers, the number of covered beneficiaries under CHAMPUS in the locality, the availability of military providers in the location or a nearby location, and any other factors determined to be relevant by the Secretary.''.

(b) REPORTS.—(1) Not later than March 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate and the General Accounting Office a report on actions taken to carry out section 1079(h)(5) of title 10, United States Code (as added by subsection (a)) and section 1097b of such title.

(2) Not later than May 1, 2001, the Comptroller General shall submit to Congress a report analyzing the utility of—

(A) increased reimbursement authorities with respect to ensuring the availability of network providers and nonnetwork providers under the TRICARE Program to covered beneficiaries under chapter 55 of such title; and

(B) requiring a reimbursement limitation of 70 percent of usual and customary rates rather than 115 percent of maximum allowable charges under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 717. REIMBURSEMENT FOR CERTAIN TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074h (as added by section 702) the following new section:

''§ 1074i. Reimbursement for certain travel expenses

''In any case in which a covered beneficiary is referred by a primary care physician to a specialty care provider who provides services more than 100 miles from the location in which the primary care provider provides services to the covered beneficiary, the Secretary shall provide reimbursement for reasonable travel expenses for the covered beneficiary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074h the following new item:

''1074i. Reimbursement for certain travel expenses.''.

SEC. 718. REDUCTION OF CATASTROPHIC CAP.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended in section 1095d by adding at the end the following new subsection:

''(c) REDUCTION OF CATASTROPHIC CAP.—The Secretary shall reduce the catastrophic cap for covered beneficiaries under TRICARE Standard and TRICARE Extra to $3,000.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 1095d. TRICARE program: waiver of certain deductibles; reduction of catastrophic cap''.

(2) The item relating to section 1095d in the table of sections at the beginning of such chapter 55 is amended to read as follows:

''1095d. TRICARE program: waiver of certain deductibles; reduction of catastrophic cap.''.

SEC. 719. REPORT ON PROTECTIONS AGAINST HEALTH CARE PROVIDERS SEEKING DIRECT REIMBURSEMENT FROM MEMBERS OF THE UNIFORMED SERVICES.

Not later than January 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report recommending practices to discourage or prohibit health care providers under the TRICARE Program from inappropriately seeking direct reimbursement from members of the uniformed services or their dependents for health care received by such members or dependents.

SEC. 720. DISENROLLMENT PROCESS FOR TRICARE RETIREE DENTAL PROGRAM.

Section 1076c of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) DISENROLLMENT PROCESS FOR TRICARE RETIREE DENTAL PROGRAM.—With respect to the provision of dental care to a retired member of the uniformed services or the dependent of such a member under the TRICARE program, the Secretary of Defense—

''(A) shall require that any TRICARE dental insurance contract allow for a period of up to 30 days, beginning on the date of the submission of an application for enrollment by the member or dependent, during which the member or dependent may disenroll;

''(B) shall provide for limited circumstances under which disenrollment shall be permitted during the 24-month initial enrollment period, without jeopardizing the fiscal integrity of the dental program.

''(2) The circumstances described in paragraph (1)(B) shall include—

''(A) a case in which a retired member or dependent who is also a Federal employee is assigned to a location overseas which prevents utilization of dental benefits in the United States;

''(B) a case in which such a member or dependent provides medical documentation with regard to a diagnosis of a serious or terminal illness which precludes the member or dependent from obtaining dental care;

''(C) a case in which severe financial hardship would result; and

''(D) any other instances which the Secretary considers appropriate.

''(3) A retired member or dependent described in paragraph (1)—

''(A) shall make any initial requests for disenrollment under this subsection to the TRICARE dental insurance contractor; and

''(B) may appeal a decision by the contractor, or policies with respect to the provision of dental care to retirees and their dependents under the TRICARE program, to the TRICARE Management Activity.

''(4) In a case of an appeal described in paragraph (3)(B) the contractor shall refer all relevant information collected by the contractor to the TRICARE Management Activity.''.

Subtitle C—Health Care Programs for Medicare-Eligible Department of Defense Beneficiaries

SEC. 721. IMPLEMENTATION OF TRICARE SENIOR PHARMACY PROGRAM.

Section 723 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2068; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a)—

(A) by striking ''October 1, 1999'' and inserting ''April 1, 2001''; and

(B) by striking ''who reside in an area selected under subsection (f)'';

(2) by amending subsection (b) to read as follows:

''(b) PROGRAM REQUIREMENTS.—The same coverage for pharmacy services and the same procedures for cost sharing and reimbursement as are applicable under section 1086 of title 10, United States Code, shall apply with respect to the program required by subsection (a).'';

(3) in subsection (d)—

(A) by striking ''December 31, 2000'' and inserting ''December 31, 2001''; and

(B) by striking ''December 31, 2002'' and inserting ''December 31, 2003'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon;

(ii) in subparagraph (C), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (D); and

(B) in paragraph (2), by striking ''at the time'' and all that follows through ''facility'' and inserting ''before April 1, 2001, has attained the age of 65 and did not enroll in the program described in such paragraph''; and

(5) by striking subsection (f).

SEC. 722. STUDY ON HEALTH CARE OPTIONS FOR MEDICARE-ELIGIBLE MILITARY RETIREES.

(a) REQUIREMENT TO CONDUCT STUDY.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center for the purpose of having such center conduct an independent study on alternatives for providing continued health care benefits for medicare-eligible military retirees.

(b) MATTERS TO BE INCLUDED.—(1) The study shall consider the possibility of providing health care to such retirees through at least the following alternatives, either individually or in combination, and shall include an analysis of the mandatory and discretionary funding requirements for implementation of each alternative for each year of a ten-year period:

(A) The use of mandatory enrollments in any health care option.

(B) The creation, integration, and coordination of a Department of Defense-Medicare supplemental plan that—

(i) includes benefits similar to those covered under a standard medicare supplemental health insurance policy; and

(ii) requires participation in, and coordination with, available medicare prescription drug benefits.

(C) Space-available health care in military medical treatment facilities and participation in the standard prescription drug plan under the TRICARE program.

(D) Increased participation in, and coordination with, managed care programs of the Veterans Health Administration.

(2) The study shall consider—

(A) the findings and recommendations in all reports prepared by the Comptroller General on demonstration programs of the Department of Defense involving medicare-eligible military retirees; and

(B) the existence of multiple overlapping benefits for such retirees, including benefits available through the Veterans Health Administration, medicare, and private insurance.

(c) INDEPENDENT ADVISORY COMMITTEE.—(1) The Secretary shall establish an independent advisory committee to assist the federally funded research and development center described in subsection (a) in conducting the study required by this section. The Secretary shall appoint the members of the committee from among individuals who—

(A) are not members of the uniformed services or civilian employees of the Department of Defense;

(B) possess expertise in health insurance matters, including matters regarding medigap plans and TRICARE supplemental insurance policies;

(C) are representative of nongovernmental organizations and associations that represent the views and interests of covered beneficiaries under chapter 55 of title 10, United States Code;

(D) are knowledgeable regarding the medicare system, the military health care system, and the Veterans' Health Administration; and

(E) represent associations of major health care providers and institutions.

(2) Members of the committee shall be appointed for the life of the committee.

(3)(A) Each member of the committee who is not an employee of the Government shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the committee.

(B) Members of the committee may travel on aircraft, vehicles, or other conveyances of the Armed Forces when travel is necessary in the performance of a duty of the committee except when the cost of commercial transportation is less expensive.

(C) The members of the committee may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the committee.

(D)(i) A member of the committee who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the committee shall not be subject to the provisions of such section with respect to such membership.

(ii) A member of the committee who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the committee.

(4) The committee shall terminate 60 days after the date on which the final report is submitted under subsection (d).

(d)(1) DEADLINE FOR COMPLETION.—Not later than September 30, 2002, the federally funded research and development center described in subsection (a) shall submit to the Secretary a report on the study, including its findings and conclusions concerning each of the matters described in subsection (b).

(2) Not later than December 31, 2002, the Secretary shall submit the report, together and any comments of the Secretary, to Congress, the Secretary of Veterans Affairs, and the Secretary of Health and Human Services.

(e) COOPERATION BY DEPARTMENT OF DEFENSE.—The Secretary shall require that all components of the Department of Defense cooperate fully with the federally funded research and development center carrying out the study.

SEC. 723. EXTENDED COVERAGE UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) EXPANSION OF COVERAGE FOR RETIREES OVER AGE 65.—Section 1108 of title 10, United States Code, is amended by adding at the end the following:

''(m) EXPANSION OF COVERAGE FOR RETIREES OVER AGE 65.—(1) Eligible beneficiaries referred to in subsection (b)(1) shall be permitted to enroll, or to extend a previous enrollment entered into under subsection (d)(2), during a period of open enrollment for the year 2003 (conducted in the fall of 2002).

''(2) Subject to paragraphs (2) and (3) of subsection (f), the period of enrollment, or extension of enrollment, of an eligible beneficiary under paragraph (1) shall be one year unless the beneficiary disenrolls before the termination of the demonstration project.''.

(b) EXTENSION OF PROJECT PERIOD.—(1) Subsection (d) of such section is amended—

(A) in paragraph (1), by striking ''three contract years'' and inserting ''four contract years''; and

(B) in paragraph (2), by striking ''December 31, 2002'' in the second sentence and inserting ''December 31, 2003''.

(2) Subsection (f)(1) of such section is amended by striking ''three'' and inserting ''four''.

(3) Subsection (k) of such section is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(4) Subsection (l)(2) of such section is amended by striking ''36 months'' and inserting ''48 months''.

(c) ADDITIONAL AREAS OF COVERAGE.—Subsection (c) of such section is amended—

(1) by striking '', but not more than ten,''; and

(2) by striking the third sentence and inserting the following: ''In establishing the areas, the Secretary and the Director of the Office of Personnel Management shall include an area that includes the catchment area of one or more military medical treatment facilities, an area that is not located in the catchment area of a military medical treatment facility, an area in which there is a Medicare Subvention Demonstration project area under section 1896 of title XVIII of the Social Security Act (42 U.S.C. 1395ggg), and one area for each TRICARE region.''.

SEC. 724. EXTENSION OF TRICARE SENIOR SUPPLEMENT PROGRAM.

Section 722(a)(2) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2065; 10 U.S.C. 1073 note) is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

SEC. 725. EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROJECT.

(a) EXTENSION OF PROJECT.—Section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is amended in subsection (b)(4) by striking ''3-year period beginning on January 1, 1998'' and inserting ''period beginning on January 1, 1998, and ending on December 31, 2003'';

(b) IMPLEMENTATION OF UTILIZATION REVIEW PROCEDURES.—Subsection (b) of such section is further amended by adding at the end the following:

''(6) UTILIZATION REVIEW PROCEDURES.—The Secretary of Defense shall develop and implement procedures to review utilization of health care services by medicare-eligible military retirees and dependents under this section in order to enable the Secretary of Defense to more effectively manage the use of military medical treatment facilities by such retirees and dependents.''.

(c) REPORTS.—(1) Such section 1896 is further amended in subsection (k)(1)—

(1) by striking ''3½ years'' and inserting ''4½ years''; and

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

''(P) Which interagency funding mechanisms would be most appropriate if the project under this section is made permanent.

''(Q) The ability of the Department of Defense to operate an effective and efficient managed care system for medicare beneficiaries.

''(R) The ability of the Department of Defense to meet the managed care access and quality of care standards under medicare.

''(S) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the demonstration project.''.

(2) Section 724 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 1108 note) is amended by inserting ''the demonstration project conducted under section 1896 of the Social Security Act (42 U.S.C. 1395ggg),'' after ''section 722,''.

Subtitle D—Other Matters

SEC. 731. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION.

(a) EXPANSION OF PROGRAM.—Section 715(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 375; 10 U.S.C. 1073 note) is amended—

(1) in paragraph (1)—

(A) by inserting '', deputy commander, and managed care coordinator'' after ''commander''; and

(B) by inserting ''and any other person'' after ''Defense'';

(2) by redesignating subsection (b) as subsection (c); and

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

''(b) LIMITATION ON ASSIGNMENT UNTIL COMPLETION OF TRAINING.—No person may be assigned as the commander, deputy commander, or managed care coordinator of a military medical treatment facility or as a TRICARE lead agent or senior member of the staff of a TRICARE lead agent office until the Secretary of the military department concerned submits a certification to the Secretary of Defense that such person has completed the training described in subsection (a).''.

(b) REPORT REQUIREMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on progress in meeting the requirements in such section regarding implementation of a professional educational program to provide appropriate training in health care management and administration.

(2) The report required by paragraph (1) shall include, but shall not be limited to, the following:

(A) A survey of professional civilian certifications and credentials which demonstrate achievement of the requirements of such section.

(B) A description of the continuing education activities required to obtain initial certification and periodic required recertification.

(C) A description of the prominence of such credentials or certifications among senior civilian health care executives.

SEC. 732. STUDY OF ACCRUAL FINANCING FOR HEALTH CARE FOR MILITARY RETIREES.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study to assess the feasibility and desirability of financing the military health care program for retirees of the uniformed services on an accrual basis. The study shall be conducted by one or more Department of Defense organizations designated by the Secretary.

(b) REPORT.—Not later than February 8, 2001, the Secretary shall submit to Congress a report on the study, including any comments on the matters studied that the Secretary considers appropriate.

SEC. 733. TRACKING PATIENT SAFETY IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) CENTRALIZED TRACKING PROCESS.—The Secretary of Defense shall implement a centralized process for the reporting, compiling, and analysis of errors in the provision of health care in military medical treatment facilities that endanger patients beyond the normal risks associated with the care and treatment of the patients.

(b) SAFETY INDICATORS, STANDARDS, AND PROTOCOLS.—The process shall include such indicators, standards, and protocols as the Secretary of Defense considers necessary for the establishment and administration of an effective process.

SEC. 734. PHARMACEUTICAL IDENTIFICATION TECHNOLOGY.

(a) BAR CODE IDENTIFICATION TECHNOLOGY.—The Secretary of Defense shall develop a system for the use of bar codes for the identification of pharmaceuticals in order to provide for the safest use possible of such pharmaceuticals.

(b) USE IN NATIONAL MAIL ORDER PHARMACEUTICALS DEMONSTRATION PROJECT.—The Secretary shall implement the use of bar code identification of pharmaceuticals in the administration of the mail order pharmaceutical demonstration project being carried out under section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2431; 10 U.S.C. 1079 note).

SEC. 735. MANAGEMENT OF VACCINE IMMUNIZATION PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1110. Policies and procedures for immunization program

''(a) SYSTEM AND PROCEDURES FOR TRACKING SEPARATIONS.—(1) The Secretary of each military department shall establish a system for tracking, recording, and reporting separations of members of the armed forces that result from procedures initiated as a result of a refusal to participate in the anthrax vaccine immunization program.

''(2) The Secretary of Defense shall consolidate the information recorded under the system described in paragraph (1) and shall submit to the Committees on Armed Services of the House of Representatives and the Senate on an annual basis a report on such information. Such reports shall include a description of—

''(A) the number of personnel separated, categorized by military department, rank, and active-duty or reserve status; and

''(B) any other information determined appropriate by the Secretary.

''(b) EMERGENCY ESSENTIAL CIVILIAN PERSONNEL.—The Secretary of Defense shall—

''(1) prescribe regulations for the purpose of ensuring that any civilian employee of the Department of Defense who is determined to be an emergency essential employee and who is required to participate in the anthrax vaccination program is notified of the requirement to participate in the program and the consequences of a decision not to participate; and

''(2) ensure that any individual who is being considered for a position as such an employee is notified of the obligation to participate in the program before being offered employment in such position.

''(c) PROCEDURES FOR MEDICAL AND ADMINISTRATIVE EXEMPTIONS.—(1) The Secretary of Defense shall establish uniform procedures under which members of the armed forces may be exempted from participating in the anthrax vaccination program for either administrative or medical reasons.

''(2) The Secretaries of the military departments shall provide for notification of all members of the armed forces of the procedures described in paragraph (1).

''(d) SYSTEM FOR MONITORING ADVERSE REACTIONS.—(1) The Secretary of Defense shall establish a system for monitoring adverse reactions of members of the armed forces to the anthrax vaccine which shall include the following:

''(A) Independent review of Vaccine Adverse Event Reporting System reports.

''(B) Periodic surveys of personnel to whom the vaccine is administered.

''(C) A continuing longitudinal study of a preidentified group of members of the armed forces (including men and women and members from all services).

''(D) Active surveillance of a sample of members to whom the anthrax vaccine has been administered that is sufficient to identify, at the earliest opportunity, any patterns of adverse reactions, the discovery of which might be delayed by reliance solely on the Vaccine Adverse Event Reporting System.

''(2) The Secretary may extend or expand any ongoing or planned study or analysis of trends in adverse reactions of members of the armed forces to the anthrax vaccine in order to meet any of the requirements in paragraph (1).

''(3) The Secretary shall establish guidelines under which members of the armed forces who are determined by an independent expert panel to be experiencing unexplained adverse reactions may obtain access to a Department of Defense Center of Excellence treatment facility for expedited treatment and follow up.

''(e) VACCINE DEVELOPMENT AND PROCUREMENT.—(1) The Secretary of Defense shall develop a plan, including milestones, for modernizing all vaccines used or anticipated to be used as part of the protection strategy for members of the armed forces.

''(2) The Secretary—

''(A) shall, to the maximum extent possible, be the sole purchaser of a vaccine to immunize members of the armed forces and employees of all Federal agencies;

''(B) shall, to the maximum extent possible, procure such a vaccine from more than one manufacturer; and

''(C) in any case in which the Secretary determines that sole source procurement of such a vaccine is necessary, may not enter into a contract to purchase such vaccine until 30 days after providing notification to the Committees on Armed Services of the House of Representatives and the Senate that the Secretary intends to enter into a sole source contract for the vaccine.''.

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

''1110. Policies and procedures for immunization program.''.

(b) COMPTROLLER GENERAL REPORTS.—(1)(A) Not later than April 1, 2002, the Comptroller General shall submit to the Committees on Armed Service of the House of Representatives and the Senate a report on the impact of the anthrax vaccination program on the recruitment and retention of active duty and reserve military personnel and civilian personnel of the Armed Forces. The study shall cover the period beginning on the date of the enactment of this Act and ending on December 31, 2001.

(B) The Comptroller General shall include in the report required by paragraph (1) a description of any personnel actions (including transfer, termination, or reassignment of any personnel) taken as a result of the refusal of any civilian employee of the Department of Defense to participate in the anthrax vaccination program.

(2) Not later than March 1 of each of years 2001 through 2004, the Comptroller General shall review and submit to the Committees on Armed Service of the House of Representatives and the Senate a report on the financial operations of the manufacturer of the anthrax vaccine administered through the anthrax vaccine immunization program of the Department of Defense. Under such review, the Comptroller General shall—

(A) consider the findings and observations of any other Federal or State reports relating to such financial operations;

(B) examine the compliance of the Department of Defense and its contractors with the Federal Acquisition Regulation; and

(C) make recommendations for improving the financial stability of the manufacturer.

(c) DOD REPORTS ON MANAGEMENT OF ANTHRAX VACCINE IMMUNIZATION PROGRAM.—(1) Not later than April 1 of each of years 2001 through 2004, the Secretary of Defense shall submit to the Committees on Armed Service of the House of Representatives and the Senate a report describing, with respect to each contract relating to the anthrax vaccination program, the costs incurred by, and payments made to, each contractor or other entity engaged in the production, storage, distribution, or marketing of the anthrax vaccine administered by the Department of Defense.

(B) The first report submitted under subparagraph (A) shall include the following:

(i) An estimate of the life-cycle cost for the anthrax vaccination program.

(ii) A description of the acquisition strategy for the program, including the applicable acquisition category.

(iii) An assessment of the Governmentwide requirements with respect to the anthrax vaccine and the financial and manufacturing ability of the manufacturer of the anthrax vaccine to meet such requirements.

(iv) A description of the status of supplements to the anthrax vaccine licenses of the contractors and whether the Food and Drug Administration has approved or is anticipated to approve all anthrax vaccine doses manufactured.

(v) A summary of all audits by the Defense Contract Audit Agency or the Inspector General of the Department of Defense of anthrax vaccine contracts of the Department of Defense and a description of any actions taken or planned to be taken in response to recommendations regarding such audits.

(vi) A review of all actions taken by the Department of Defense to coordinate with other Federal agencies to ensure the facility of a manufacturer of the anthrax vaccine is compliant with all Federal requirements.

SEC. 736. STUDY ON FEASIBILITY OF SHARING BIOMEDICAL RESEARCH FACILITY.

(a) STUDY REQUIRED.—The Secretary of the Army shall conduct a study on the feasibility of the Tripler Army Medical Center, Hawaii, sharing a biomedical research facility with the Department of Veterans Affairs and the School of Medicine at the University of Hawaii for the purpose of making more efficient use of funding for biomedical research. Such facility would include a clinical research center and facilities for educational, academic, and laboratory research.

(b) REPORT.—Not later than March 1, 2001, the Secretary of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the study conducted under this section.

SEC. 737. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) PLAN REQUIRED.—(1) Not later than March 31, 2001, the Secretary of Defense shall complete development of a plan to provide chiropractic health care services and benefits, as a permanent part of the Defense Health Program (including the TRICARE program), for all members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code.

(2) The plan shall provide for the following:

(A) Direct access, at designated military medical treatment facilities, to the scope of chiropractic services as determined by the Secretary, which includes, at a minimum, care for neuromusculoskeletal conditions typical among military personnel on active duty.

(B) A detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system.

(C) An examination of the proposed military medical treatment facilities at which such services would be provided.

(D) An examination of the military readiness requirements for chiropractors who would provide such services.

(E) An examination of any other relevant factors that the Secretary considers appropriate.

(F) Phased-in implementation of the plan over a five-year period, beginning on October 1, 2001.

(b) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall consult with the other administering Secretaries described in section 1073 of title 10, United States Code, and the oversight advisory committee established under section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) regarding the following:

(1) The development and implementation of the plan required under subsection (a).

(2) Each report that the Secretary is required to submit to Congress regarding the plan.

(3) The selection of the military medical treatment facilities at which the chiropractic services described in subsection (a)(2)(A) are to be provided.

(c) CONTINUATION OF CURRENT SERVICES.—Until the plan required under subsection (a) is implemented, the Secretary shall continue to furnish the same level of chiropractic health care services and benefits under the Defense Health Program that is provided during fiscal year 2000 at military medical treatment facilities that provide such services and benefits.

(d) REPORT REQUIRED.—Not later than January 31, 2001, the Secretary of Defense shall submit a report on the plan required under subsection (a), together with appropriate appendices and attachments, to the Committees on Armed Services of the Senate and the House of Representatives.

(e) GAO REPORTS.—The Comptroller General shall monitor the development and implementation of the plan required under subsection (a), including the administration of services and benefits under the plan, and periodically submit to the committees referred to in subsection (d) written reports on such development and implementation.

(f) FUNDING.—The Secretary of Defense shall transfer $3,000,000 from the Foreign Currency Fluctuations, Defense account to the Defense Health Program account, which amount shall only be available for purposes of carrying out this section.

SEC. 738. VA-DOD SHARING AGREEMENTS FOR HEALTH SERVICES.

(a) PRIMACY OF SHARING AGREEMENTS.—The Secretary of Defense shall—

(1) give full force and effect to any agreement into which the Secretary or the Secretary of a military department entered under section 8111 of title 38, United States Code, or under section 1535 of title 31, United States Code, which was in effect on September 30, 1999; and

(2) ensure that the Secretary of the military department concerned directly reimburses the Secretary of Veterans Affairs for any services or resources provided under such agreement in accordance with the terms of such an agreement, including terms providing for reimbursement from funds available for that military department.

(b) MODIFICATION OR TERMINATION.—Any agreement described in subsection (a) shall remain in effect in accordance with such subsection unless, during the 12-month period following the date of the enactment of this Act, such agreement is modified or terminated in accordance with the terms of such agreement.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. EXTENSION OF AUTHORITY FOR DEPARTMENT OF DEFENSE ACQUISITION PILOT PROGRAMS; REPORTS REQUIRED.

(a) IN GENERAL.—Notwithstanding section 5064(d) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 10 U.S.C. 2430 note), the special authorities provided under section 5064(c) of such Act shall continue to apply with respect to programs designated under section 5064(a) of such Act through September 30, 2005.

(b) JDAM PILOT PROGRAM.—The Secretary of Defense may award Joint Direct Attack Munition contracts and modifications on the same terms and conditions as contained in the Joint Direct Attack Munition contract F08626–94–C–0003.

(c) REPORTS REQUIRED.—(1) Not later than January 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the acquisition pilot programs of the Department of Defense. Such report shall include a description of the following with respect to each acquisition program participating in the pilot program:

(A) Each quantitative measure and goal established for each item described in paragraph (2), which of such goals have been achieved, and the extent to which the use of the authorities in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2430 note) and section 5064 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 10 U.S.C. 2430 note) were a factor in achieving each of such goals.

(B) Each of the regulations and statutes waived, as authorized under such sections, in order to achieve such goals.

(C) Recommended revisions to statutes or the Federal Acquisition Regulation as a result of participation in the pilot program.

(D) Any other acquisition programs which could benefit from participation in the pilot program, and the reasons why such programs could benefit from such participation.

(E) Any innovative business practices developed as a result of participation in the pilot program, whether such business practices could be applied to other acquisition programs, and any impediments to application of such practices to other programs.

(F) Technological changes to the program, and to what extent those changes affected the items in paragraph (2).

(G) Any other information determined appropriate by the Secretary.

(2) The items under this paragraph are, with respect to defense acquisition programs, the following:

(A) The acquisition management costs.

(B) The unit cost of the items procured.

(C) The acquisition cycle.

(D) The total cost of carrying out the contract.

(E) Staffing necessary to carry out the program.

SEC. 802. TECHNICAL DATA RIGHTS FOR ITEMS DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE.

(a) AMENDMENTS TO TITLE 10.—Section 2320(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C)—

(A) by amending clause (iii) to read as follows:

''(iii) is necessary for normal operation (other than detailed manufacturing or processing data), maintenance, installation, or training when such services are to be provided by an entity other than the contractor or its subcontractor;'';

(B) by redesignating clause (iv) as (v); and

(C) by inserting after clause (iii) the following new clause (iv):

''(iv) is necessary for critical operation, maintenance, installation of deployed equipment, or training, when such services are to be provided by an entity other than the contractor or its subcontractor; or'';

(2) in subparagraph (F)(i)—

(A) in subclause (I)—

(i) by inserting ''clause (i), (ii), (iv), or (v) of'' before ''subparagraph (C)''; and

(ii) by striking ''or'' at the end; and

(B) by adding at the end the following new subclause:

''(III) under the conditions described in subsection (a)(2)(C)(iii), reaching agreement in negotiations concerning provision of the rights involved may not be required as a condition of being responsive to a solicitation, but may be a condition for the award of a contract; or''; and

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

''(H) In a case described in subparagraph (C)(iii), the provision of the rights involved shall be subject to negotiations between the Government and the contractor or contractors involved.

''(I) A description of the difference between 'normal operation' and 'critical operation', as such terms are used in subparagraph (C).''.

(b) DEADLINE FOR PROPOSAL OF CERTAIN REGULATIONS.—The Secretary of Defense shall propose, before initiating notice and opportunity for public comment, initial regulations regarding section 2320(a)(2)(I) of title 10, United States Code (as added by subsection (a)(3)), not later than 60 days after the date of the enactment of this Act.

SEC. 803. MANAGEMENT OF ACQUISITION OF MISSION-ESSENTIAL SOFTWARE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) DESIGNATION OF DIRECTOR OF MISSION-ESSENTIAL SOFTWARE MANAGEMENT.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 144. Director of Mission-Essential Software Management

''(a) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics a Director of Mission-Essential Software Management.

''(b) The Director of Mission-Essential Software Management shall provide effective oversight of, and shall seek to improve mechanisms for, the management, development, and maintenance of mission-essential software for major defense acquisition programs described in subsection (c).

''(c) For purposes of this section, mission-essential software for major defense acquisition programs is software—

''(1) that is an integral part of software-intensive major defense acquisition programs; and

''(2) that is physically part of, dedicated to, or essential to the mission performance of a weapons system.

''(d) The Director of Mission-Essential Software Management shall be responsible for—

''(1) reviewing the policies and practices of the military departments and Defense Agencies for developing software described in subsection (c);

''(2) reviewing planning and progress in the management of such software; and

''(3) recommending goals and plans to improve management with respect to such software.''.

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

''144. Director of Mission-Essential Software Management.''.

SEC. 804. EXTENSION OF WAIVER PERIOD FOR LIVE-FIRE SURVIVABILITY TESTING FOR MH–47E AND MH–60K HELICOPTER MODIFICATION PROGRAMS.

(a) EXISTING WAIVER PERIOD NOT APPLICABLE.—Section 2366(c)(1) of title 10, United States Code, shall not apply with respect to survivability and lethality tests for the MH–47E and MH–60K helicopter modification programs. Except as provided in the previous sentence, the provisions and requirements in section 2366(c) of such title shall apply with respect to such programs, and the certification required by subsection (b) shall comply with the requirements in paragraph (3) of such section.

(b) EXTENDED PERIOD FOR WAIVER.—With respect to the MH–47E and MH–60K helicopter modification programs, the Secretary of Defense may waive the application of the survivability and lethality tests described in section 2366(a) of title 10, United States Code, if the Secretary, before full materiel release of the MH–47E and MH–60K helicopters for operational use, certifies to Congress that live-fire testing of the programs would be unreasonably expensive and impracticable.

(c) CONFORMING AMENDMENT.—Section 142(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2338) is amended by striking ''and survivability testing'' in paragraphs (1) and (2).

SEC. 805. THREE-YEAR EXTENSION OF AUTHORITY OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(c) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2004''.

SEC. 806. CERTIFICATION OF MAJOR AUTOMATED INFORMATION SYSTEMS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.

(a) MILESTONE APPROVAL.—(1) During fiscal years 2001, 2002, and 2003, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-

Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees notification of each certification under paragraph (1). Each such notification shall be submitted not later than 10 days after the date of the Milestone approval to which the certification relates and shall include, at a minimum, the funding baseline and milestone schedule for the system covered by the certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C⁴ISR) Architecture Framework.

(b) NOTICE OF DESIGNATION OF SYSTEMS AS SPECIAL INTEREST MAJOR TECHNOLOGY INITIATIVES.—(1) Whenever during fiscal year 2001, 2002, or 2003 the Chief Information Officer designates a major automated information system of the Department of Defense as a ''special interest major technology initiative'', the Chief Information Officer shall notify the congressional defense committees of such designation. Such notice shall be provided not later than 30 days after the date of the designation. Any such notice shall include the rationale for the decision to make the designation and a description of the program management oversight that will be implemented for the system so designated.

(2) Not later than 60 days after the date of the enactment of this Act, the Chief Information Officer shall submit to the congressional defense committees a report specifying each information system of the Department of Defense currently designated as a ''special interest major technology initiative''. The report shall include for each such system the information specified in the third sentence of paragraph (1).

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

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 807. LIMITATIONS ON PROCUREMENT OF CERTAIN ITEMS.

Section 2534 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(6) POLYACRYLONITRILE CARBON FIBER.—Polyacrylonitrile carbon fiber in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on April 1, 2000.''; and

(2) in subsection (c)—

(A) by striking paragraph (2)(C) and inserting the following:

''(C)(i) Subsection (a)(4)(B), subparagraph (B), and this clause shall cease to be effective on October 1, 1996.

''(ii) Subsection (a)(4)(A), subparagraph (A), and this clause shall cease to be effective on October 1, 2003.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3); and

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

''(4) POLYACRYLONITRILE CARBON FIBER.—Subsection (a)(6) and this paragraph shall cease to be effective on October 1, 2003.''.

SEC. 808. MULTIYEAR SERVICES CONTRACTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended—

(1) in section 2306(g), by striking paragraph (3) and inserting the following:

''(3) Additional provisions regarding mulityear contracts for the purchase of services are provided in section 2306b of this title.'';

(2) in section 2306b—

*(A) in the heading, by inserting ''**or services**'' after ''**property**'';*

(B) in subsection (a)—

(i) in the matter following the subsection heading, by striking ''for the purchase of property'';

(ii) in paragraph (2), by inserting ''or services'' after ''property''; and

(iii) in paragraph (4)—

(I) by striking ''That'' and inserting ''In the case of a contract for the purchase of property, that''; and

(II) by inserting ''or services'' after ''property'' the last place such term appears; and

(C) in subsection (f)(2), by inserting ''or services'' after ''property''; and

(3) by amending the item relating to section 2306b in the table of sections at the beginning of such chapter to read as follows:

''2306b. Multiyear contracts: acquisition of property or services.''.

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to a contract entered into after the date the enactment of this Act.

SEC. 809. STUDY ON IMPACT OF FOREIGN SOURCING OF SYSTEMS ON LONG-TERM MILITARY READINESS AND RELATED INDUSTRIAL INFRASTRUCTURE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study analyzing in detail—

(1) the amount and source of parts, components, and materials of the systems described in subsection (b) that are obtained—

(A) from domestic sources; and

(B) from foreign sources;

(2) the impact of obtaining such parts, components, and materials from foreign sources on the long-term readiness of the Armed Forces and on the economic viability of the industrial infrastructure of the United States that supports defense needs;

(3) the impact on military readiness that would result from the loss of the ability to obtain parts, components, and materials identified pursuant to paragraph (1) from foreign sources; and

(4) the availability of domestic sources for parts, components, and materials identified as being obtained from foreign sources pursuant to paragraph (1).

(b) SYSTEMS.—The systems referred to in subsection (a) are the following:

(1) AH–64D Apache helicopter.

(2) F/A–18 E/F aircraft.

(3) M1A2 Abrams tank.

(4) AIM–120 AMRAAM missile.

(5) Patriot missile ground station.

(6) Hellfire missile.

(7) M–16 A3 rifle.

(8) AN/VPS–2 radar.

(c) SOURCE OF INFORMATION.—The Secretary shall collect information to be analyzed under the study from prime contractors and first and second tier subcontractors.

(d) REQUIREMENT TO CREATE DATABASE.—The Secretary shall create an interactive database for the purpose of compiling, analyzing, and updating data gathered for the study required by this section.

(e) REPORT REQUIRED.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study required by this section.

(f) FOREIGN SOURCE DEFINED.—In this section, the term ''foreign source'' means a country other than the United States.

SEC. 810. PROHIBITION AGAINST USE OF DEPARTMENT OF DEFENSE FUNDS TO GIVE OR WITHHOLD A PREFERENCE TO A MARKETER OR VENDOR OF FIREARMS OR AMMUNITION.

(a) IN GENERAL.—No funds authorized to be appropriated for the Department of Defense may be used to give or withhold a preference to a marketer or vendor of firearms or ammunition based on whether the manufacturer or vendor is a party to a covered agreement.

(b) COVERED AGREEMENT DEFINED.—For purposes of this section, the term ''covered agreement'' means any agreement requiring a person engaged in a business licensed under chapter 44 of title 18, United States Code, to abide by a designated code of conduct, operating practice, or product design respecting importing, manufacturing, or dealing in firearms or ammunition.

SEC. 811. STUDY AND REPORT ON PRACTICE OF CONTRACT BUNDLING IN MILITARY CONSTRUCTION CONTRACTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study regarding the use of the practice known as ''contract bundling'' with respect to military construction contracts.

(b) REPORT.—Not later than February 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. CHANGE OF TITLE OF CERTAIN POSITIONS IN THE HEADQUARTERS, MARINE CORPS.

(a) INSTITUTION OF POSITIONS AS DEPUTY COMMANDANTS.—Section 5041(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (3) through (5) and inserting the following:

''(3) The Deputy Commandants.''; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(b) DESIGNATION OF DEPUTY COMMANDANTS.—(1) Section 5045 of such title is amended to read as follows:

''§ 5045. Deputy Commandants

''There are in the Headquarters Marine Corps, not more than five Deputy Commandants, detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.''.

(2) The item relating to section 5045 in the table of sections at the beginning of chapter 506 of such title is amended to read as follows:

''5045. Deputy Commandants.''.

(c) CONFORMING AMENDMENT.—Section 1502(7)(D) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended to read as follows:

''(D) the Deputy Commandant of the Marine Corps with responsibility for personnel matters.''.

SEC. 902. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2001 so that the total number of such personnel as of October 1, 2001, is less than the total number of such personnel as of October 1, 2000, by at least 13,000.

(b) IMPLEMENTATION PLAN.—(1) The Secretary of Defense shall develop an implementation plan for reshaping, recruiting, and sustaining the defense acquisition and support workforce in the future.

(2) Not later than May 1, 2001, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the plan developed under paragraph (1). The Secretary shall include in the report a

proposal for any recommended changes in law that are necessary to implement the plan.

(c) DEFENSE ACQUISITION WORKFORCE DEFINED.—For purposes of this section, the term ''defense acquisition and support workforce'' has the meaning given that term in section 931(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2106).

SEC. 903. CLARIFICATION OF SCOPE OF INSPECTOR GENERAL AUTHORITIES UNDER MILITARY WHISTLEBLOWER LAW.

(a) CLARIFICATION OF RESPONSIBILITIES.—Subsection (c)(3)(A) of section 1034 of title 10, United States Code, is amended by inserting '', in accordance with regulations prescribed under subsection (h),'' after ''shall expeditiously determine''.

(b) REDEFINITION OF INSPECTOR GENERAL.—Subsection (i)(2) of such section is amended—

(1) by inserting ''any of'' in the matter preceding subparagraph (A) after ''means'';

(2) by striking subparagraphs (C), (D), (E), (F) and (G); and

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

''(C) Any officer of the armed forces or employee of the Department of Defense who is assigned or detailed to serve as an Inspector General at any level in the Department of Defense.''.

SEC. 904. REPORT ON NUMBER OF PERSONNEL ASSIGNED TO LEGISLATIVE LIAISON FUNCTIONS.

(a) REPORT.—Not later than December 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the number of personnel of the Department of Defense performing legislative liaison functions as of April 1, 2000.

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

(1) The number of military and civilian personnel of the Department of Defense assigned to full-time legislative liaison functions, shown by organizational entity and by pay grade.

(2) The number of military and civilian personnel of the Department not covered by paragraph (1) (other than personnel described in subsection (d)) who perform legislative liaison functions as part of their assigned duties, shown by organizational entity and by pay grade.

(c) LEGISLATIVE LIAISON FUNCTIONS.—For purposes of this section, a legislative liaison function is a function (regardless of how characterized within the Department of Defense) that has been established or designated to principally provide advice, information, and assistance to the legislative branch on Department of Defense policies, plans, and programs.

(d) ORGANIZATIONAL ENTITIES.—The display of information under subsection (b) by organizational entity shall be for the Department of Defense and for each military department as a whole and separately for each organization at the level of major command or Defense Agency or higher.

(e) PERSONNEL NOT COVERED.—Subsection (b)(2) does not apply to civilian officers appointed by the President, by and with the advice and consent of the Senate, or to general or flag officers.

SEC. 905. JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

(a) REPORT.—The Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a joint report assessing alternatives for the establishment of a national collaborative information analysis capability. The report shall include the following:

(1) An assessment of alternative architectures to establish a national collaborative information analysis capability to conduct data mining and profiling of information from a wide array of electronic data sources.

(2) Identification, from among the various architectures assessed under paragraph (1), of the preferred architecture and a detailed description of that architecture and of a program to acquire and implement the capability that would be provided through that architecture.

(b) COMPLETION AND USE OF ARMY LAND INFORMATION WARFARE ACTIVITY.—The Secretary of Defense—

(1) shall ensure that the data mining, profiling, and analysis capability of the Army's Land Information Warfare Activity is completed and is fully operational as soon as possible; and

(2) shall make maximum use of that capability to provide intelligence support to the Department of Defense, the military services, the Intelligence Community, and other agencies of the Government until a national collaborative information analysis capability is operational.

(c) FUNDING RESTRICTION FOR A NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.—No funds available to the Department of Defense may be expended to establish, support, or implement a program to establish a national, multi-agency data mining and analysis capability until such a program is specifically authorized by law.

SEC. 906. ORGANIZATION AND MANAGEMENT OF CIVIL AIR PATROL.

(a) IN GENERAL.—Chapter 909 of title 10, United States Code, is amended to read as follows:

''CHAPTER 909—CIVIL AIR PATROL

''Sec.
''9441. Status as federally chartered corporation; purposes.
''9442. Status as volunteer civilian auxiliary of the Air Force.
''9443. Activities not performed as auxiliary of the Air Force.
''9444. Activities performed as auxiliary of the Air Force.
''9445. Funds appropriated for the Civil Air Patrol.
''9446. Miscellaneous personnel authorities.
''9447. Board of Governors.
''9448. Regulations.

''§ 9441. Status as federally chartered corporation; purposes

''(a) STATUS.—(1) The Civil Air Patrol is a nonprofit corporation that is federally chartered under section 40301 of title 36.

''(2) Except as provided in section 9442(b)(2) of this title, the Civil Air Patrol is not an instrumentality of the Federal Government for any purpose.

''(b) PURPOSES.—The purposes of the Civil Air Patrol are set forth in section 40302 of title 36.

''§ 9442. Status as volunteer civilian auxiliary of the Air Force

''(a) VOLUNTEER CIVILIAN AUXILIARY.—The Civil Air Patrol is a volunteer civilian auxiliary of the Air Force when the services of the Civil Air Patrol are used by any department or agency in any branch of the Federal Government.

''(b) USE BY AIR FORCE.—(1) The Secretary of the Air Force may use the services of the Civil Air Patrol to fulfill the noncombat programs and missions of the Department of the Air Force.

''(2) The Civil Air Patrol shall be deemed to be an instrumentality of the United States with respect to any act or omission of the Civil Air Patrol, including any member of the Civil Air Patrol, in carrying out a mission assigned by the Secretary of the Air Force.

''§ 9443. Activities not performed as auxiliary of the Air Force

''(a) SUPPORT FOR STATE AND LOCAL AUTHORITIES.—The Civil Air Patrol may, in its status as a federally chartered nonprofit corporation and not as an auxiliary of the Air Force, provide assistance requested by State or local governmental authorities to perform disaster relief missions and activities, other emergency missions and activities, and nonemergency missions and activities. Missions and activities carried out under this section shall be consistent with the purposes of the Civil Air Patrol.

''(b) USE OF FEDERALLY PROVIDED RESOURCES.—(1) To perform any mission or activity authorized under subsection (a), the Civil Air Patrol may use any equipment, supplies, and other resources provided to it by the Air Force or by any other department or agency of the Federal Government or acquired by or for the Civil Air Patrol with appropriated funds, without regard to whether the Civil Air Patrol has reimbursed the Federal Government source for the equipment, supplies, other resources, or funds, as the case may be.

''(2) The use of equipment, supplies, or other resources under paragraph (1) is subject to—

''(A) the terms and conditions of the applicable agreement entered into under chapter 63 of title 31; and

''(B) the laws and regulations that govern the use by nonprofit corporations of federally provided assets or of assets purchased with appropriated funds, as the case may be.

''(c) AUTHORITY NOT CONTINGENT ON REIMBURSEMENT.—The authority for the Civil Air Patrol to provide assistance under subsections (a) and (b) is not contingent on the Civil Air Patrol being reimbursed for the cost of providing the assistance. If the Civil Air Patrol requires reimbursement for the provision of assistance under such subsections, the Civil Air Patrol may establish the reimbursement rate at a rate less than the rates charged by private sector sources for equivalent services.

''(d) LIABILITY INSURANCE.—The Secretary of the Air Force may provide the Civil Air Patrol with funds for paying the cost of liability insurance for missions and activities carried out under this section.

''§ 9444. Activities performed as auxiliary of the Air Force

''(a) AIR FORCE SUPPORT FOR ACTIVITIES.—The Secretary of the Air Force may furnish to the Civil Air Patrol in accordance with this section any equipment, supplies, and other resources that the Secretary determines necessary to enable the Civil Air Patrol to fulfill the missions assigned by the Secretary to the Civil Air Patrol as an auxiliary of the Air Force.

''(b) FORMS OF AIR FORCE SUPPORT.—The Secretary of the Air Force may, under subsection (a)—

''(1) give, lend, or sell to the Civil Air Patrol without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)—

''(A) major items of equipment (including aircraft, motor vehicles, computers, and communications equipment) that are excess to the military departments; and

''(B) necessary related supplies and training aids that are excess to the military departments;

''(2) permit the use, with or without charge, of services and facilities of the Air Force;

''(3) furnish supplies (including fuel, lubricants, and other items required for vehicle and aircraft operations) or provide funds for the acquisition of supplies;

''(4) establish, maintain, and supply liaison officers of the Air Force at the national, regional, State, and territorial headquarters of the Civil Air Patrol;

''(5) detail or assign any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any liaison office at the national, regional, State, or territorial headquarters of the Civil Air Patrol;

''(6) detail any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any unit or installation of the Civil Air Patrol to assist in the training programs of the Civil Air Patrol;

''(7) authorize the payment of travel expenses and allowances, at rates not to exceed those

paid to employees of the United States under subchapter I of chapter 57 of title 5, to members of the Civil Air Patrol while the members are carrying out programs or missions specifically assigned by the Air Force;

''(8) provide funds for the national headquarters of the Civil Air Patrol, including—

''(A) funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent, utilities, other operational expenses of the national headquarters; and

''(B) to the extent considered necessary by the Secretary of the Air Force to fulfill Air Force requirements, funds for the payment of compensation and benefits for key staff at regional, State, or territorial headquarters;

''(9) authorize the payment of expenses of placing into serviceable condition, improving, and maintaining equipment (including aircraft, motor vehicles, computers, and communications equipment) owned or leased by the Civil Air Patrol;

''(10) provide funds for the lease or purchase of items of equipment that the Secretary determines necessary for the Civil Air Patrol;

''(11) support the Civil Air Patrol cadet program by furnishing—

''(A) articles of the Air Force uniform to cadets without cost; and

''(B) any other support that the Secretary of the Air Force determines is consistent with Air Force missions and objectives; and

''(12) provide support, including appropriated funds, for the Civil Air Patrol aerospace education program to the extent that the Secretary of the Air Force determines appropriate for furthering the fulfillment of Air Force missions and objectives.

''(c) ASSISTANCE BY OTHER AGENCIES.—(1) The Secretary of the Air Force may arrange for the use by the Civil Air Patrol of such facilities and services under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, or the head of any other department or agency of the United States as the Secretary of the Air Force considers to be needed by the Civil Air Patrol to carry out its mission.

''(2) An arrangement for use of facilities or services of a military department or other department or agency under this subsection shall be subject to the agreement of the Secretary of the military department or head of the other department or agency, as the case may be.

''(3) Each arrangement under this subsection shall be made in accordance with regulations prescribed under section 9448 of this title.

''§ 9445. Funds appropriated for the Civil Air Patrol

''Funds appropriated for the Civil Air Patrol shall be available only for the exclusive use of the Civil Air Patrol.

''§ 9446. Miscellaneous personnel authorities

''(a) USE OF RETIRED AIR FORCE PERSONNEL.—(1) Upon the request of a person retired from service in the Air Force, the Secretary of the Air Force may enter into a personal services contract with that person providing for the person to serve as an administrator or liaison officer for the Civil Air Patrol. The qualifications of a person to provide the services shall be determined and approved in accordance with regulations prescribed under section 9448 of this title.

''(2) To the extent provided in a contract under paragraph (1), a person providing services under the contract may accept services on behalf of the Air Force and commit and obligate appropriated funds as necessary to perform the services.

''(3) A person, while providing services under a contract authorized under paragraph (1), may receive the person's retired pay and an additional amount for such services that is not less than the amount equal to the excess of—

''(A) the pay and allowances that the person would be entitled to receive if ordered to active duty in the grade in which the person retired from service in the Air Force, over

''(B) the amount of the person's retired pay.

''(4) A person, while providing services under a contract authorized under paragraph (1), may not be considered to be on active duty or inactive-duty training for any purpose.

''(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The Secretary of the Air Force may use the services of Civil Air Patrol chaplains in support of the Air Force active duty and reserve component forces to the extent and under conditions that the Secretary determines appropriate.

''§ 9447. Board of Governors

''(a) GOVERNING BODY.—The Board of Governors of the Civil Air Patrol is the governing body of the Civil Air Patrol.

''(b) COMPOSITION.—The Board of Governors is composed of 11 members as follows:

''(1) Four members appointed by the Secretary of the Air Force, who may be active or retired officers of the Air Force (including reserve components of the Air Force), employees of the United States, or private citizens.

''(2) Four members of the Civil Air Patrol, elected from among the members of the Civil Air Patrol in the manner provided in regulations prescribed under section 9448 of this title.

''(3) Three members appointed or selected as provided in subsection (c) from among personnel of any Federal Government agencies, public corporations, nonprofit associations, and other organizations that have an interest and expertise in civil aviation and the Civil Air Patrol mission.

''(c) APPOINTMENTS FROM INTERESTED ORGANIZATIONS.—(1) Subject to paragraph (2), the members of the Board of Governors referred to in subsection (b)(3) shall be appointed jointly by the Secretary of the Air Force and the National Commander of the Civil Air Patrol.

''(2) Any vacancy in the position of a member referred to in paragraph (1) that is not filled under that paragraph within 90 days shall be filled by majority vote of the other members of the Board.

''(d) CHAIRPERSON.—(1) The Chairperson of the Board of Governors shall be chosen by the members of the Board of Governors from among the members of the Board eligible for selection under paragraph (2) and shall serve for a term of two years.

''(2) The position of Chairperson shall be held on a rotating basis, first by a member of the Board selected from among those appointed by the Secretary of the Air Force under paragraph (1) of subsection (b) and then by a member of the Board selected from among the members elected by the Civil Air Patrol under paragraph (2) of that subsection. Upon the expiration of the term of a Chairperson selected from among the members referred to in one of those paragraphs, the selection of a successor to that position shall be made from among the members who are referred to in the other paragraph.

''(e) POWERS.—(1) The Board of Governors shall, subject to paragraphs (2) and (3), exercise the powers granted under section 40304 of title 36.

''(2) Any exercise by the Board of the power to amend the constitution or bylaws of the Civil Air Patrol or to adopt a new constitution or bylaws shall be subject to approval by a majority of the members of the Board.

''(3) Neither the Board of Governors nor any other component of the Civil Air Patrol may modify or terminate any requirement or authority set forth in this section.

''(f) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) The Board of Governors shall, subject to paragraph (2), take such action as is necessary to eliminate or limit the personal liability of a member of the Board of Governors to the Civil Air Patrol or to any of its members for monetary damages for a breach of fiduciary duty while serving as a member of the Board.

''(2) The Board may not eliminate or limit the liability of a member of the Board of Governors to the Civil Air Patrol or to any of its members for monetary damages for any of the following:

''(A) A breach of the member's duty of loyalty to the Civil Air Patrol or its members.

''(B) Any act or omission that is not in good faith or that involves intentional misconduct or a knowing violation of law.

''(C) Participation in any transaction from which the member directly or indirectly derives an improper personal benefit.

''(3) Nothing in this subsection shall be construed as rendering section 207 or 208 of title 18 inapplicable in any respect to a member of the Board of Governors who is a member of the Air Force on active duty, an officer on a retired list of the Air Force, or an employee of the United States.

''(g) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) Except as provided in paragraph (2), no member of the Board of Governors or officer of the Civil Air Patrol shall be personally liable for damages for any injury or death or loss or damage of property resulting from a tortious act or omission of an employee or member of the Civil Air Patrol.

''(2) Paragraph (1) does not apply to a member of the Board of Governors or officer of the Civil Air Patrol for a tortious act or omission in which the member or officer, as the case may be, was personally involved, whether in breach of a civil duty or in commission of a criminal offense.

''(3) Nothing in this subsection shall be construed to restrict the applicability of common law protections and rights that a member of the Board of Governors or officer of the Civil Air Patrol may have.

''(4) The protections provided under this subsection are in addition to the protections provided under subsection (f).

''§ 9448. Regulations

''(a) AUTHORITY.—The Secretary of the Air Force shall prescribe regulations for the administration of this chapter.

''(b) REQUIRED REGULATIONS.—The regulations shall include the following:

''(1) Regulations governing the conduct of the activities of the Civil Air Patrol when it is performing its duties as a volunteer civilian auxiliary of the Air Force under section 9442 of this title.

''(2) Regulations for providing support by the Air Force and for arranging assistance by other agencies under section 9444 of this title.

''(3) Regulations governing the qualifications of retired Air Force personnel to serve as an administrator or liaison officer for the Civil Air Patrol under a personal services contract entered into under section 9446(a) of this title.

''(4) Procedures and requirements for the election of members of the Board of Governors under section 9447(b)(2) of this title.

''(c) APPROVAL BY SECRETARY OF DEFENSE.—The regulations required by subsection (b)(2) shall be subject to the approval of the Secretary of Defense.''.

(b) CONFORMING AMENDMENTS.—(1) Section 40302 of title 36, United States Code, is amended—

(A) by striking ''to—'' in the matter preceding paragraph (1) and inserting ''as follows:'';

(B) by inserting ''To'' after the paragraph designation in each of paragraphs (1), (2), (3), and (4);

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

(D) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(E) by adding at the end the following:

''(5) To assist the Department of the Air Force in fulfilling its noncombat programs and missions.''.

(2)(A) Section 40303 of such title is amended—

(i) by inserting ''(a) MEMBERSHIP.—'' before ''Eligibility''; and

(ii) by adding at the end the following:

''(b) GOVERNING BODY.—The Civil Air Patrol has a Board of Governors. The composition and responsibilities of the Board of Governors are set forth in section 9447 of title 10.''.

(B) The heading for such section is amended to read as follows:

"§ 40303. Membership and governing body".

(C) The item relating to such section in the table of sections at the beginning of chapter 403 of title 36, United States Code, is amended to read as follows:

''40303. Membership and governing body.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 907. REPORT ON NETWORK CENTRIC WARFARE.

(a) REPORT REQUIRED.—Not later than October 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report describing the Department's views on Network Centric Warfare (NCW) and the role of Network Centric Warfare in the strategy of the Department of Defense for military transformation. The Secretary of Defense shall prepare the report in consultation with the Chairman of the Joint Chiefs of Staff.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A definition of Network Centric Warfare.

(2) A discussion of the theory, nature, and principles of Network Centric Warfare and how they relate to the revolution in military affairs.

(3) A discussion of the conceptual, doctrinal, and operational concepts related to Network Centric Warfare.

(4) A discussion of how the concept of Network Centric Warfare is related to the strategy of the Department of Defense for military transformation as outlined in the document entitled ''Joint Vision 2010'' and other key strategy documents.

(5) The current and planned acquisition programs of the Department of Defense that relate to Network Centric Warfare and the extent to which those programs are interoperable with each other.

(6) The experimentation activities inside the joint experimentation program and the service experimentation programs, if any, which are designed to explore and evaluate the emerging concepts of Network Centric Warfare.

SEC. 908. DEFENSE INSTITUTE FOR HEMISPHERIC SECURITY COOPERATION.

(a) AUTHORITY FOR INSTITUTE.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2166. Defense Institute for Hemispheric Security Cooperation

''(a) AUTHORITY.—The Secretary of Defense may operate an education and training facility known as the 'Defense Institute for Hemispheric Security Cooperation'. The Secretary of Defense may designate the Secretary of the Army as the Department of Defense executive agent for carrying out the responsibilities of the Secretary of Defense under this section.

''(b) PURPOSE.—(1) The Institute shall be operated for the purpose of providing education and training to military, law enforcement, and civilian personnel of nations of the Western Hemisphere in defense and security matters.

''(2) For purposes of paragraph (1), defense and security matters include—

''(A) professional military education;

''(B) leadership development;

''(C) counter-drug operations;

''(D) peace support operations; and

''(E) disaster relief.

''(c) CURRICULUM.—The education and training programs provided by the Institute shall include (for each person attending the Institute under subsection (b)) instruction totaling not less than eight hours relating to each of the following subjects:

''(1) Human rights.

''(2) The rule of law.

''(3) Due process.

''(4) Civilian control of the military.

''(5) The role of the military in a democratic society.

''(d) BOARD OF VISITORS.—(1) There is a Board of Visitors for the Institute. The Board shall be composed of members appointed by the Secretary of Defense (or the Secretary of the Army as the Secretary's designee). In selecting members of the Board, the Secretary shall consider recommendations by—

''(A) the Speaker and the minority leader of the House of Representatives;

''(B) the majority leader and the minority leader of the Senate;

''(C) the Secretary of State;

''(D) the commander of the unified command with geographic responsibility for Latin America; and

''(E) representatives from academic institutions, religious institutions, and human rights organizations.

''(2) Members shall serve for two years and shall meet at least annually.

''(3)(A) The Board shall inquire into—

''(i) the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Institute that the Board decides to consider; and

''(ii) any other matters relating to the Institute that the Secretary considers appropriate.

''(B) The Board shall review the curriculum of the Institute to ensure that the curriculum—

''(i) complies with applicable United States law and regulations;

''(ii) is consistent with United States policy goals toward Latin America and the Caribbean; and

''(iii) adheres to current United States doctrine.

''(4)(A) Not later than 60 days after its annual meeting, the Board shall submit to the Secretary a written report of its action and of its views and recommendations pertaining to the Institute.

''(B) Within 30 days of receipt of the Board's report for any year, the Secretary shall transmit the report, with the Secretary's comments, to Congress.

''(5) While performing duties as a member of or adviser to the Board, each member of the Board and each adviser shall be reimbursed for travel expenses under Government travel regulations. Board members shall not be compensated by reason of service on the Board.

''(e) SOURCE OF FUNDS.—The fixed costs of operating and maintaining the Institute may be paid from funds available for operation and maintenance.

''(f) TUITION.—Tuition fees charged for persons who attend the Institute may not include the fixed costs of operating and maintaining the Institute.''.

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

''2166. Defense Institute for Hemispheric Security Cooperation.''.

(b) TRANSITION FROM UNITED STATES ARMY SCHOOL OF THE AMERICAS.—(1) The Secretary of Defense shall take such steps as necessary to ensure that the Secretary of the Army provides for the transition of the United States Army School of the Americas located at Fort Benning, Georgia, into the Defense Institute for Hemispheric Security Cooperation established pursuant to section 2166 of title 10, United States Code, as added by subsection (a).

(2)(A) Section 4415 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 407 of such title is amended by striking the item relating to section 4415.

SEC. 909. DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 184. Regional Centers for Security Studies

''(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of Defense may operate in the Department of Defense regional centers for security studies, each of which is established for a specified geographic region of the world. Any such regional center shall serve as a forum for bilateral and multilateral communication and military and civilian exchanges with nations in the region for which the center is established. A regional center may, as the Secretary considers appropriate, use professional military education, civilian defense education, and related academic and other activities to pursue such communication and exchanges.

''(2) After the date of the enactment of this section, a regional center for security studies as described in paragraph (1) may not be established in the Department of Defense until at least 90 days after the date on which the Secretary of Defense submits to Congress a notification of the intent of the Secretary to establish the center. The notification shall contain a description of the mission and functions of the proposed center and a justification for the proposed center.

''(b) EMPLOYMENT AND COMPENSATION OF FACULTY.—Section 1595 of this title provides authority for the Secretary of Defense to employ certain civilian personnel at certain Department of Defense regional center for security studies without regard to certain provisions of title 5.

''(c) ACCEPTANCE OF FOREIGN GIFTS AND DONATIONS.—Section 2611 of this title provides authority for the Secretary of Defense to accept foreign gifts and donations in order to defray the costs of, or enhance the operations of, certain Department of Defense regional centers for security studies.

''(d) ANNUAL REPORT TO CONGRESSIONAL COMMITTEES.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report on the status, objectives, and operations of the Department of Defense regional centers for security studies. Each such report shall include information on international participation in the programs of the centers and on foreign gifts and donations accepted under section 2611 of this title.

''(e) PROVISIONS RELATING SPECIFICALLY TO MARSHALL CENTER.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the George C. Marshall European Center for Security Studies for military officers and civilian officials of cooperation partner states of the North Atlantic Cooperation Council or the Partnership for Peace if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available for the Center.

''(2)(A) Notwithstanding any other provision of law, the Secretary of Defense may authorize participation by a European or Eurasian nation in Marshall Center programs if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

''(B) Not later than January 31 of each year, the Secretary shall submit to Congress a report setting forth the names of the foreign nations permitted to participate in programs of the Marshall Center during the preceding year under paragraph (1). Each such report shall be prepared by the Secretary with the assistance of the Director of the Marshall Center.''.

(b) ACCEPTANCE OF FOREIGN GIFTS AND DONATIONS.—(1) Subsection (a) of section 2611 of such title is amended to read as follows:

''(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to subsection (b), the Secretary of Defense may accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, one of the specified defense regional centers for security studies.

''(2) For purposes of this section, a specified defense regional center for security studies is any of the following:

''(A) The Asia-Pacific Center for Security Studies.

''(B) The George C. Marshall European Center for Security Studies.''.

(2) Subsection (d) of such section is amended—

(A) in the first sentence, by striking ''the Asia-Pacific Center'' and inserting ''the regional center intended to benefit from the gift or donation of such funds''; and

(B) in the second sentence, by striking ''the Asia-Pacific Center'' and inserting ''such regional center''.

(3) Subsection (e) of such section is amended by inserting ''with respect to a defense regional center for security studies'' after ''in any fiscal year''.

(c) REPEAL OF CODIFIED PROVISIONS RELATING TO THE MARSHALL CENTER.—(1) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892) is repealed.

(2) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2653) is amended—

(A) by striking subsections (a) and (b) and inserting the following:

''(a) DEFINITION.—In this section, the term 'Marshall Center Board of Visitors' means the Board of Visitors of the George C. Marshall European Center for Security Studies''; and

(B) by redesignating subsection (c) as subsection (b).

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

''184. Regional Centers for Security Studies.''.

(2)(A) The heading of section 2611 of such title is amended to read as follows:

''§2611. Regional centers for security studies: acceptance of foreign gifts and donations''.

(B) The item relating to section 2611 in the table of sections at the beginning of chapter 155 of such title is amended to read as follows: .

''2611. Regional centers for security studies: acceptance of foreign gifts and donations.''.

SEC. 910. CHANGE IN NAME OF ARMED FORCES STAFF COLLEGE TO JOINT FORCES STAFF COLLEGE.

(a) CHANGE IN NAME.—The Armed Forces Staff College of the Department of Defense is hereby renamed the ''Joint Forces Staff College''.

(b) CONFORMING AMENDMENT.—Section 2165(b)(3) of title 10, United States Code, is amended by striking ''Armed Forces Staff College'' and inserting ''Joint Forces Staff College''.

(c) REFERENCES.—Any reference to the Armed Forces Staff College in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Joint Forces Staff College.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2001 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 4205 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2000.

(a) ADJUSTMENT OF FISCAL YEAR 2000 AUTHORIZATIONS TO REFLECT SUPPLEMENTAL APPROPRIATIONS.—Subject to subsections (b) and (c), amounts authorized to be appropriated to the Department of Defense for fiscal year 2000 in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 2000 Emergency Supplemental Appropriations Act.

(b) LIMITATION.—(1) In the case of a pending defense contingent emergency supplemental appropriation, an adjustment may be made under subsection (a) in the amount of an authorization of appropriations by reason of that supplemental appropriation only if, and to the extent that, the President transmits to Congress an official amended budget request for that appropriation that designates the entire amount requested as an emergency requirement for the specific purpose identified in the 2000 Emergency Supplemental Appropriations Act as the purpose for which the supplemental appropriation was made.

(2) For purposes of this subsection, the term ''pending defense contingent emergency supplemental appropriation'' means a contingent emergency supplemental appropriation for the Department of Defense contained in the 2000 Emergency Supplemental Appropriations Act for which an official budget request that includes designation of the entire amount of the request as an emergency requirement has not been transmitted to Congress as of the date of the enactment of this Act.

(3) For purposes of this subsection, the term ''contingent emergency supplemental appropriation'' means a supplemental appropriation that—

(A) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(B) by law is available only to the extent that the President transmits to the Congress an official budget request for that appropriation that includes designation of the entire amount of the request as an emergency requirement.

(c) EXCEPTION.—No adjustment may be made under subsection (a) by reason of any appropriation under the provisions contained in sections 2207 through 2211 of the 2000 Emergency Supplemental Appropriations Act, as passed the House of Representatives on March 30, 2000.

SEC. 1004. CONTINGENT REPEAL OF CERTAIN PROVISIONS SHIFTING CERTAIN OUTLAYS FROM ONE FISCAL YEAR TO ANOTHER.

(a) CONTINGENT REPEAL.—Subject to subsection (b)—

(1) sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, are repealed;

(2) section 1001(a) of Public Law 106–113 is amended, effective immediately after the enactment of such Public Law, by striking ''paragraph 4 of subsection 1000(a)'' and inserting ''paragraph (5) of section 1000(a), and the provisions of titles V, VI, and VII of the legislation enacted in this division by reference in such paragraph (5),''; and

(3) sections 8175 and 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79), as amended by sections 214 and 215, respectively, of H.R. 3425 of the 106th Congress (113 Stat. 1501A–297), as enacted into law by section 1000(a)(5) of Public Law 106–113, are repealed.

(b) CONTINGENCY.—The provisions of subsection (a) shall be effective only to the extent provided in an appropriations Act that is enacted after this Act.

SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2001.

(a) LIMITATION.—Of the amounts authorized to be appropriated by section 301(24) for the Overseas Contingency Operations Transfer Fund—

(1) no more than $1,387,800,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations; and

(2) no more than $1,650,400,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.

(a) PRESIDENTIAL WAIVER.—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), after submitting to Congress the following:

(1) The President's written certification that the waiver is necessary in the national security interests of the United States.

(2) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(3) A report setting forth the following:

(A) The reasons that the waiver is necessary in the national security interests of the United States.

(B) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be, for fiscal year 2001.

(C) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be.

(4) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2001 costs associated with United States military

forces participating in, or supporting, Bosnia or Kosovo peacekeeping operations peacekeeping operations.

(c) PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section:

(1) The term ''Bosnia peacekeeping operations'' has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

(2) The term ''Kosovo peacekeeping operations''—

(A) means the operation designated as Operation Joint Guardian and any other operation involving the participation of any of the Armed Forces in peacekeeping or peace enforcement activities in and around Kosovo; and

(B) includes, with respect to Operation Joint Guardian or any such other operation, each activity that is directly related to the support of the operation.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. NATIONAL DEFENSE FEATURES PROGRAM.

Section 2218(k) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''As consideration for a contract with the Secretary of Defense or the Secretary of a military department under this subsection, the company entering into the contract shall agree with the Secretary to make any vessel covered by the contract available to the Secretary, fully crewed and ready for sea, at any time at any port determined by the Secretary, and for whatever duration the Secretary determines necessary.''; and

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

''(E) Payments of such sums as the Government would otherwise expend, if the vessel were placed in the Ready Reserve Fleet, for maintaining the vessel in the status designated as 'ROS–4 status' in the Ready Reserve Fleet for 25 years.''.

Subtitle C—Counter-Drug Activities

SEC. 1021. REPORT ON DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Not later than January 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report detailing the expenditure of funds by the Secretary during fiscal year 2000 in direct or indirect support of the counter-drug activities of foreign governments. The report shall include the following for each foreign government:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counter-drug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.

SEC. 1022. REPORT ON TETHERED AEROSTAT RADAR SYSTEM.

(a) REPORT REQUIRED.—Not later than May 1, 2001, The Secretary of Defense shall submit to Congress a report on the status of the Tethered Aerostat Radar System used to conduct counter-drug detection and monitoring and border security and air sovereignty operations. The report shall include the following:

(1) The status and operational availability of each of the existing sites of the Tethered Aerostat Radar System.

(2) A discussion of any plans to close, during the next 5 years, currently operational sites, including a review of the justification for each proposed closure.

(3) A review of the requirements of other agencies, especially the United States Customs Service, for data derived from the Tethered Aerostat Radar System.

(4) An assessment of the value of the Tethered Aerostat Radar System in the conduct of counter-drug detection and monitoring and border security and air sovereignty operations.

(5) The costs associated with the planned standardization of the Tethered Aerostat Radar System and the Secretary's analysis of that standardization.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Commissioner of Customs.

Subtitle D—Other Matters

SEC. 1031. FUNDS FOR ADMINISTRATIVE EXPENSES UNDER DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

(a) AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS ON AN INTERIM BASIS.—Section 2540c(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''FEES.—''; and

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

''(2)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this subchapter, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed $500,000 in any fiscal year, for those expenses.

''(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A) as soon as the Secretary determines practicable.''.

(b) EFFECTIVE DATE.—Paragraph (2) of section 2540c(d) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

SEC. 1032. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 628(c)(2) is amended by striking ''section'' in the second sentence after ''the provisions of'' and inserting ''sections''.

(2) Section 702(b)(2) is amended by striking ''section 230(c)'' and inserting ''section 203(c)''.

(3) Section 706(c) is amended—

(A) by striking ''(1)'' after ''(c)''; and

(B) by striking paragraph (2).

(4) Section 1074g is amended—

(A) in subsection (a)(6), by striking ''as part of the regulations established'' and inserting ''in the regulations prescribed'';

(B) in subsection (a)(7), by striking ''not included on the uniform formulary, but,'' and inserting ''that are not included on the uniform formulary but that are'';

(C) in subsection (b)(1), by striking ''required by'' in the last sentence and inserting ''prescribed under'';

(D) in subsection (d)(2), by striking ''Not later than'' and all that follows through ''utilize'' and inserting ''Effective not later than April 5, 2000, the Secretary shall use'';

(E) in subsection (e)—

(i) by striking ''Not later than April 1, 2000, the'' and inserting ''The''; and

(ii) by inserting ''in'' before ''the TRICARE'' and before ''the national'';

(F) in subsection (f)—

(i) by striking ''As used in this section—'' and inserting ''In this section:'';

(ii) by striking ''the'' at the beginning of paragraphs (1) and (2) and inserting ''The''; and

(iii) by striking ''; and'' at the end of paragraph (1) and inserting a period; and

(G) in subsection (g), by striking ''promulgate'' and inserting ''prescribe''.

(5) Section 1109(b) is amended by striking ''(1)'' before ''The Secretaries''.

(6) Section 1448(b)(3)(E)(ii) is amended by striking the second comma after ''October 16, 1998''.

(7) Section 2401(b)(1)(B) is amended by striking ''Committees on Appropriations'' and inserting ''Committee on Appropriations''.

(8) Section 5143(c)(2) is amended by striking ''has a grade'' and inserting ''has the grade of''.

(9) Section 5144(c)(2) is amended by striking ''has a grade'' and inserting ''has the grade of''.

(10) Section 10218 is amended—

(A) in subsections (a)(1), (b)(1), (b)(2)(A), and (b)(2)(B)(ii), by striking ''the date of the enactment of this section'' each place it appears and inserting ''October 5, 1999,'';

(B) in subsections (a)(3)(B)(i) and (b)(2)(B)(i), by striking ''the end of the one-year period beginning on the date of the enactment of this subsection'' and inserting ''October 5, 2000'';

(C) in subsection (b)(1), by striking ''six months after the date of the enactment of this section'' and inserting ''April 5, 2000''; and

(D) in subsection (b)(3), by striking ''within six months of the date of the enactment of this section'' and inserting ''during the period beginning on October 5, 1999, and ending on April 5, 2000,''.

(11) Section 12552 is amended by inserting a period at the end.

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 301b(j)(2) is amended by striking ''section 301a(a)(6)(A)'' and inserting ''section 301a(a)(6)(B)''.

(2) Section 404(b)(2) is amended by striking ''section 402(e)'' and inserting ''section 403(f)(3)''.

(3) The table of sections at the beginning of chapter 7 is amended by inserting after the item relating to section 434 the following new item:

''435. Funeral honors duty: allowance.''.

(4) The section 435 added by section 586(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 638) is redesignated as section 436, and the item relating to that section in the table of sections at the beginning of chapter 7 is revised to conform to such redesignation.

(5) Section 1012 is amended by striking ''section 402(b)(3)'' and inserting ''section 402(e)''.

(c) PUBLIC LAW 106–65.—Effective as of October 5, 1999, and as if included therein as enacted, section 601(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 645) is amended—

(1) in the first table, relating to commissioned officers, by striking ''$12,441.00'' in footnote 2 and inserting ''$12,488.70''; and

(2) in the fourth table, relating to enlisted members, by striking ''$4,701.00'' in footnote 2 and inserting ''$4,719.00''.

(d) PUBLIC LAW 105–261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.) is amended as follows:

(1) Section 503(b)(1) (112 Stat. 2003) is amended by inserting ''its'' after ''record of'' in the first quoted matter therein.

(2) Section 645(b) (112 Stat. 2050) is amended by striking ''a member'' and inserting ''member'' in the quoted matter therein.

(3) Section 701 (112 Stat. 2056) is amended—

(A) in subsection (a), by inserting ''(1)'' before ''Section 1076a(b)(2)''; and

(B) in subsection (b), by inserting ''of such title'' after ''1076a''.

(4) Section 802(b) (112 Stat. 2081) is amended by striking ''Administrative'' in the first quoted matter therein and inserting ''Administration''.

(5) Section 1101(e)(2)(C) (112 Stat. 2140; 5 U.S.C. 3104 note) is amended by striking ''subsection (c)(1)'' and inserting ''subsection (c)(2)''.

(e) PUBLIC LAW 105–85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 602(d)(1)(A) (111 Stat. 1773; 37 U.S.C. 402 note) is amended by striking ''of'' the first place it appears in the matter preceding clause (ii).

(2) Section 1221(a)(3) (22 U.S.C. 1928 note), as amended by section 1233(a)(2)(A) of Public Law 105–261 (112 Stat. 2156), is amended by striking the second close parenthesis after ''relief efforts''.

(f) OTHER LAWS.—

(1) Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking the second period after ''2000''.

(2) Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by transferring subparagraph (G) so as to appear immediately before subparagraph (H), as added by section 2821(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 853).

(3) Section 686(b) of title 14, United States Code, is amended—

(A) in paragraph (1), by striking ''section 403(b)'' and inserting ''section 403(e)''; and

(B) in paragraph (2), by striking ''a basic allowance for quarters under section 403 of title 37, and, if in a high housing cost area, a variable housing allowance under section 403a of that title'' and inserting ''a basic allowance for housing under section 403 of title 37''.

(4) Section 405(f)(6)(B) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999 (as contained in section 101(f) of division A of Public Law 105–277; 112 Stat. 2681–430), is amended by striking ''Act of title'' in the first quoted matter therein and inserting ''Act or title''.

(5) Section 1403(c)(6) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 922(c)(6)) is amended by striking ''the'' before ''Assistant Secretary of Defense''.

(6) Effective as of October 5, 1999, section 224 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2274(b)) is amended by striking ''$500,000'' and inserting ''$50,000''.

SEC. 1033. TRANSFER OF VIETNAM ERA TA–4 AIRCRAFT TO NONPROFIT FOUNDATION.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to the nonprofit Collings Foundation of Stow, Massachusetts (in this section referred to as the ''foundation''), all right, title, and interest of the United States in and to one surplus TA–4 aircraft that is flyable or that can be readily restored to flyable condition. The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The Secretary may not convey ownership of an aircraft under subsection (a) until the Secretary determines that the foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the foundation not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary;

(2) a condition that the foundation operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and

(3) a condition that if the Secretary determines at any time that the foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the foundation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of a TA–4 aircraft to the foundation under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

SEC. 1034. TRANSFER OF 19TH CENTURY CANNON TO MUSEUM.

(a) DONATION REQUIRED.—The Secretary of the Army shall convey, without consideration, to the Cannonball House Museum located in Macon, Georgia (in this section referred to as the ''recipient''), all right, title, and interest of the United States in and to a 12-pounder Napoleon cannon bearing the following markings:

(1) On the top ''CS'',

(2) On the face of the muzzle: ''Macon Arsenal, 1864/No.41/1164 ET''.

(3) On the right trunnion: ''Macon Arsenal GEO/1864/No.41/WT.1164/E.T.''.

(b) CONDITIONS ON CONVEYANCE.—The Secretary shall include in the instrument of conveyance of the cannon under subsection (a)—

(1) a condition that the recipient not convey any ownership interest in, or transfer possession of, the cannon to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the recipient has conveyed an ownership interest in, or transferred possession of, the cannon to any other party without the prior approval of the Secretary, all right, title, and interest in and to the cannon shall revert to the United States, and the United States shall have the right of immediate possession of the cannon.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(d) ACQUISITION OF REPLACEMENT MACON CANNON.—The Secretary shall seek to acquire, by donation or purchase with funds made available for this purpose, one or more cannons documented as having been manufactured in Macon, Georgia, during the Civil War in order to replace in the Army's inventory the cannon conveyed under subsection (a).

SEC. 1035. EXPENDITURES FOR DECLASSIFICATION ACTIVITIES.

(a) IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES.—Section 230 of title 10, United States Code, is amended—

(1) by striking '', as a budgetary line item''; and

(2) by adding at the end the following new sentence: ''Identification of such amounts in such budget justification materials shall be in a single display that shows the total amount for the Department of Defense and the amount for each military department and Defense Agency.''.

(b) LIMITATION ON EXPENDITURES.—The total amount expended by the Department of Defense during fiscal year 2001 to carry out declassification activities under the provisions of sections 3.4, 3.5, and 3.6 of Executive Order 12958 (50 U.S.C. 435 note) and for special searches (including costs for document search, copying, and review and imagery analysis) may not exceed $30,000,000.

(c) COMPILATION AND ORGANIZATION OF RECORDS.—The Department of Defense may not be required, when conducting a special search, to compile or organize records that have already been declassified and placed into the public domain.

(d) SPECIAL SEARCHES.—For the purpose of this section, the term ''special search'' means the response of the Department of Defense to any of the following:

(1) A statutory requirement to conduct a declassification review on a specified set of agency records.

(2) An Executive order to conduct a declassification review on a specified set of agency records.

(3) An order from the President or an official with delegated authority from the President to conduct a declassification review on a specified set of agency records.

SEC. 1036. AUTHORITY TO PROVIDE LOAN GUARANTEES TO IMPROVE DOMESTIC PREPAREDNESS TO COMBAT CYBERTERRORISM.

(a) AUTHORITY.—Subject to subsection (b), the Secretary of Defense may guarantee the repayment of any loan made to a qualified commercial firm to fund, in whole or in part, any of the following activities:

(1) The improvement of the protection of the critical infrastructure of that commercial firm.

(2) The refinancing of improvements previously made to the protection of the critical infrastructure of that commercial firm.

(b) SUBJECT TO APPROPRIATIONS OF BUDGET AUTHORITY.—Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

(c) LOAN LIMITS.—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed $10,000,000, with respect to all borrowers.

(d) QUALIFIED COMMERCIAL FIRMS.—For purposes of this section, a qualified commercial firm is a company or other business entity (including a consortium of such companies or other business entities, as determined by the Secretary) that the Secretary determines—

(1) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States;

(2) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—

(A) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and

(B) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States;

(3) provides technology products or services critical to the operations of the Department of Defense; and

(4) meets standards of prevention of cyberterrorism applicable to the Department of Defense.

(e) GOALS AND STANDARDS.—The Secretary shall prescribe regulations setting forth goals for the use of the loan guarantees provided under this section and standards for evaluating whether those goals are met by each entity receiving such loan guarantees.

(f) FEES.—(1) The Secretary shall prescribe regulations to assess a fee for providing a loan

guarantee under this section. The amount of such fee shall be not less than 75 percent of the amount incurred by the Secretary to provide the loan guarantee. Such fees shall be credited to a special account in the Treasury. Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this section.

(2)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this section, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed $500,000 in any fiscal year, for those expenses.

(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A) as soon as the Secretary determines practicable.

(g) ADMINISTRATION.—(1) The Secretary shall enter into one or more agreements, each with an appropriate Federal or private entity, under which such entity shall, under this section—

(A) process applications for loan guarantees;

(B) guarantee repayment of loans; and

(C) provide any other services to the Secretary to administer this section.

(2) The cost of such agreements shall be considered, for purposes of the special account established under subsection (f)(1), to be costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this section.

(h) REPORTS.—

(1) BY RECIPIENTS.—The Secretary shall require each recipient of a loan guarantee under this section, as a condition of receiving that loan guarantee, to submit to the Secretary a report on the results of the improvements carried out pursuant to the loan guarantee.

(2) BY SECRETARY.—Not later than March 1 of each year in which a guarantee issued under this section is in effect, the Secretary shall submit to Congress a report specifying the amounts of loans guaranteed under this section during the preceding calendar year. The report shall include an evaluation of the success of the loan guarantees, an assessment of the program as it relates to the support of the Department's Critical Infrastructure Protection Program, and any other information that the Secretary considers appropriate.

(i) DEFINITIONS.— In this section:

(1) The term ''critical infrastructure'' means telecommunications systems, information systems, and facilities, the loss of which would have a debilitating effect on the ability of the commercial firm to deliver technology products or services to the Department of Defense.

(2) The term ''cyberterrorism'' means the commission of any of the following acts with respect to protected computers (as defined in section 1030(e)(2) of title 18, United States Code):

(A) Knowing transmission of a program, information, code, or command, that as a result of such conduct, intentionally causes damage without authorization, to a protected computer.

(B) Intentional access of a protected computer without authorization, that as a result of such conduct, recklessly causes damage.

(C) Intentional access of a protected computer without authorization, that as a result of such conduct, causes damage.

(j) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated for Defense-wide activities by section 201(4), $500,000 shall be available only for the purpose of providing loan guarantees under this section.

SEC. 1037. V–22 COCKPIT AIRCRAFT VOICE AND FLIGHT DATA RECORDERS.

The Secretary of Defense shall require that all V–22 Osprey aircraft be equipped with a state-of-the-art cockpit voice recorder and a state-of-the-art flight data recorder each of which meets, at a minimum, the standards for such devices recommended by the National Transportation Safety Board.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. EMPLOYMENT AND COMPENSATION PROVISIONS FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER.

(a) IN GENERAL.—Chapter 31 of title 5, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—EMPLOYMENT AND COMPENSATION FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS IN THE EXECUTIVE BRANCH ESTABLISHED BY LAW OR EXECUTIVE ORDER

''§ 3161. Temporary organizations established by law or Executive order

''(a) DEFINITION OF TEMPORARY ORGANIZATION.—For the purposes of this subchapter, the term 'temporary organization' means an organization such as a commission, committee, or board that is established by law in the legislative or executive branches, or by Executive order in the executive branch, for a specific period, which shall not exceed 5 years, for the purpose of performing specific projects or studies.

''(b) HIRING AUTHORITY.—Notwithstanding the provisions of chapter 51, the head of a temporary organization may employ such numbers and types of employees as required to perform the functions required of the temporary organization. Employees may be appointed for a period of 5 years or the life of the temporary organization, whichever is less.

''(c) STATUS OF POSITIONS AND APPOINTMENTS.—Positions of employment in a temporary organization are excepted from the competitive service.

''(d) COMPENSATION.—(1) The basic pay of an employee of a temporary organization may be set without regard to the provisions of chapter 51 or subchapter III of chapter 53, except that—

''(A) basic pay for an executive level position (such as a chairperson, member, or executive or staff director), and, in exceptional cases, for senior staff shall be capped at the maximum rate of basic pay established for the Senior Executive Service under subchapter VIII of chapter 53; and

''(B) basic pay for other staff may not exceed the maximum rate of basic pay for GS–15 of the General Schedule.

''(2) An employee whose rate of basic pay is set under paragraph (1) shall be entitled to locality-based comparability payments, as provided under section 5304.

''(e) TRAVEL EXPENSES.—An employee of a temporary organization, whether employed on a full-time or part-time basis, may be entitled to travel and transportation allowances, including per diem allowances, authorized for employees under subchapter I of chapter 57, while traveling away from the regular place of business of the employee in the performance of services for the temporary organization.

''(f) RETURN RIGHTS.—An employee serving under a career or career-conditional appointment, or the equivalent, who transfers to or converts to an appointment in a temporary organization with the consent of the head of the agency (or the designee of the agency head) in which the employee was serving is entitled to be returned to a position of like seniority, status, and pay (without grade or pay retention) as the former position in the agency from which employed immediately preceding employment with the temporary organization if—

''(1) the employee is being separated from the temporary organization for reasons other than misconduct, neglect of duty, or malfeasance; and

''(2) the employee applies for return rights not later than 30 days before the end of the employment in the temporary organization, or the termination of the temporary organization, whichever is earlier.

''(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The head of the temporary organization may procure temporary and intermittent services under section 3109(b).

''(h) ACCEPTANCE OF VOLUNTEER SERVICES.—(1) The head of a temporary organization may accept volunteer services relating to the duties of the temporary organization without regard to section 1342 of title 31, including service as advisers, experts, members, or in other capacities determined appropriate by the head of the temporary organization. The head of the temporary organization—

''(A) shall assure that all persons accepted as volunteers are notified of the scope of the voluntary services accepted;

''(B) shall supervise volunteers to the same extent as employees receiving compensation for similar services; and

''(C) shall ensure that volunteers have appropriate credentials or are otherwise qualified to perform in the capacities for which they are accepted.

''(2) A person providing volunteer services under this subsection shall be considered an employee of the Federal Government for the purposes of chapters 73 and 81, chapter 171 of title 28, chapter 11 of title 18, and part 2635 of title 5 of the Code of Federal regulations.

''(i) DETAILEES.—Upon request of the head of the temporary organization, the head of any department or agency of the United States may detail, on a nonreimbursable basis, any personnel of the department or agency to the temporary organization to assist in carrying out its duties.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the items relating to subchapter III the following:

''SUBCHAPTER IV—EMPLOYMENT AND COMPENSATION FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER

''3161. Temporary organizations established by law or Executive order.''.

SEC. 1102. RESTRUCTURING THE RESTRICTION ON DEGREE TRAINING.

Section 4107 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)'';

(2) in subsection (b)(1), by striking ''subsection (a)'' and inserting ''subsections (a) or (c)''; and

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

''(c) With respect to an employee of the Department of Defense—

''(1) this chapter does not authorize, except as provided in subsection (b) of this section, the selection and assignment of the employee for training, or the payment or reimbursement of the costs of training, for—

''(A) the purpose of providing an opportunity to the employee to obtain an academic degree in order to qualify for appointment to a particular position for which the academic degree is a basic requirement; or

''(B) the sole purpose of providing an opportunity to the employee to obtain one or more academic degrees, unless such opportunity is part of a planned, systematic, and coordinated program of professional development endorsed by the Department of Defense; and

''(2) any course of post-secondary education delivered through classroom, electronic, or other means shall be administered or conducted by an institution recognized under standards implemented by a national or regional accrediting

body, except in a case in which such standards do not exist or would not be appropriate.''.

SEC. 1103. CONTINUATION OF TUITION REIMBURSEMENT AND TRAINING FOR CERTAIN ACQUISITION PERSONNEL.

Section 1745(a)(2) of title 10, United States Code, is amended by striking ''September 30, 2001'' and inserting ''September 30, 2005''.

SEC. 1104. EXTENSION OF AUTHORITY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2001'' and inserting ''September 30, 2005''.

SEC. 1105. EXPANSION OF DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM POSITIONS.

(a) AUTHORITY FOR SENIOR DOD INTELLIGENCE POSITIONS THROUGHOUT DEPARTMENT OF DEFENSE.—Section 1601(a)(1) of title 10, United States Code, is amended—

(1) by striking ''in the intelligence components of the Department of Defense and the military departments'' and inserting ''in the Department of Defense''; and

(2) by striking ''of those components and departments'' and inserting ''of the Department''.

(b) CONFORMING AMENDMENT FOR PERSONS ELIGIBLE FOR POSTEMPLOYMENT ASSISTANCE.—Section 1611 of such title is amended—

(1) in subsection (a)(1), by striking ''intelligence component of the Department of Defense'' and inserting ''defense intelligence position'';

(2) in subsection (b)—

(A) by striking ''sensitive position in an intelligence component of the Department of Defense'' in the matter preceding paragraph (1) and inserting ''sensitive defense intelligence position''; and

(B) by striking ''with the intelligence component'' in paragraphs (1) and (2) and inserting ''in a defense intelligence position'';

(3) in subsection (d), by striking ''an intelligence component of the Department of Defense'' and inserting ''in a defense intelligence position''; and

(4) by striking subsection (f).

(c) CONFORMING AMENDMENT FOR DEFINITION OF DEFENSE INTELLIGENCE POSITION.—Section 1614(1) of such title is amended by striking ''of an intelligence component of the Department of Defense or of a military department'' and inserting ''of the Department of Defense''.

SEC. 1106. PILOT PROGRAM FOR REENGINEERING THE EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS.

(a) PILOT PROGRAM.—(1) The Secretary of the Navy may carry out a pilot program to improve processes for the resolution of equal employment opportunity complaints by civilian employees of the Department of the Navy. Complaints processed under the pilot program shall be subject to the procedural requirements established for the pilot program and shall not be subject to the procedural requirements of 29 CFR part 1614 or other regulations or directives of the Equal Employment Opportunity Commission.

(2) The pilot program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

(3) The Secretary may waive any regulatory restrictions prescribed by the Equal Employment Opportunity Commission in carrying out the pilot program.

(4) The Secretary may carry out the pilot program for a period of 5 years, beginning on January 1, 2001.

(5) Participation in the pilot program shall be voluntary on the part of the complainant. Complainants who participate in the pilot program shall retain the right to appeal a final agency decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory requirements promulgated by the Commission. This paragraph applies to all cases currently pending before the Equal Employment Opportunity Commission or hereinafter filed with the Commission.

(b) REPORT.—Not later than 90 days following the end of the second and fourth full or partial fiscal years during which the pilot program is implemented, the Comptroller General shall submit to Congress a report on the pilot program. Such reports shall contain the following:

(1) A description of the processes tested by the pilot program.

(2) The results of such testing.

(3) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of such pilot program.

(4) A comparison of the processes used under the pilot program to traditional and alternative dispute resolution processes used in the government or private industry.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2001—The total amount of the assistance for fiscal year 2001 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking ''2000'' and inserting ''2001''.

SEC. 1202. ANNUAL REPORT ASSESSING EFFECT OF CONTINUED OPERATIONS IN THE BALKANS REGION ON READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.

Section 1035 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 753) is amended—

(1) in subsection (a), by striking ''Not later than 180 days after the date of the enactment of this Act'' and inserting ''Not later than April 1 each year'';

(2) in subsection (b), by striking ''The report'' in the matter preceding paragraph (1) and inserting ''Each report''; and

(3) in subsection (d), by striking ''the report'' and inserting ''a report''.

SEC. 1203. SITUATION IN THE BALKANS.

(a) ESTABLISHMENT OF NATO BENCHMARKS FOR WITHDRAWAL OF FORCES FROM KOSOVO.—The President shall develop, not later than May 31, 2001, militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo. Congress urges the President to seek concurrence among member nations of the North Atlantic Treaty Organization in the development of those benchmarks.

(b) COMPREHENSIVE POLITICAL-MILITARY STRATEGY.—The President shall develop a comprehensive political-military strategy for addressing the political, economic, humanitarian, and military issues in the Balkans and shall establish near-term, mid-term, and long-term objectives in the region. In developing such strategy and such objectives, the President shall take into consideration the benchmarks relating to Kosovo developed as described in subsection (a) and the benchmarks relating to Bosnia that were detailed in the report accompanying the certification by the President to Congress on March 3, 1998 (printed as House Document 105–223), with respect to the continued presence of United States Armed Forces, after June 30, 1998, in Bosnia and Herzegovina, submitted to Congress pursuant to section 7 of Public Law 105–74. Such strategy and objectives shall be developed in consultation with appropriate regional and international entities.

(c) SEMIANNUAL REPORT ON COMPREHENSIVE STRATEGY.—Not later than June 30, 2001, and six months thereafter so long as United States forces are in the Balkans, the President shall submit to Congress a report on the progress being made in developing and implementing a comprehensive political-military strategy as described in subsection (b).

(d) SEMIANNUAL REPORT ON BENCHMARKS.—Not later than June 30, 2001, and every six months thereafter, the President shall submit to Congress a report on the progress made in achieving the conditions established by those benchmarks.

SEC. 1204. LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.

(a) LIMITATION.—None of the funds available to the Department of Defense may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) EXCEPTIONS.—There shall be excluded from counting for the purposes of the limitation in subsection (a) the following:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attache, as a member of the security assistance office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2001 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2001 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $433,400,000 authorized to be appropriated to the Department of Defense for fiscal year 2001 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $162,800,000.

(2) For strategic nuclear arms elimination in Ukraine, $34,100,000.

(3) For activities to support warhead dismantlement processing in Russia, $9,300,000.

(4) For weapons transportation security in Russia, $14,000,000.

(5) For planning, design, and construction of a storage facility for Russian fissile material, $57,400,000.

(6) For weapons storage security in Russia, $89,700,000.

(7) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $32,100,000.

(8) For biological weapons proliferation prevention activities in Russia, $12,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $13,000,000.

(10) For defense and military contacts, $9,000,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2001 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2001 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (4), (5), (7), (9), or (10) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR ELIMINATION OF CONVENTIONAL WEAPONS.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS.—No fiscal year 2001 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(5); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

(b) ESTABLISHMENT OF FUNDING CAP FOR FIRST WING OF STORAGE FACILITY.—Out of funds authorized to be appropriated for Cooperative Threat Reduction programs for fiscal year 2001 or any other fiscal year, not more than $412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5).

SEC. 1305. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF MULTIYEAR PLAN.

Not more than ten percent of fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 5952 note).

SEC. 1306. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) REPORTING REQUIREMENT.—(1) Not later than October 1, 2000, the Secretary of Defense shall submit to Congress a report on the following regarding Russia's arsenal of tactical nuclear warheads:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary of Defense shall include in the report described in paragraph (1) the views on the report provided under subsection (b).

(b) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion as an appendix in the report described in subsection (a), the Director's views on the matters described in that subsection regarding Russia's tactical nuclear weapons.

SEC. 1307. LIMITATION ON USE OF FUNDS TO SUPPORT WARHEAD DISMANTLEMENT PROCESSING.

No fiscal year 2001 Cooperative Threat Reduction funds may be used for activities to support warhead dismantlement processing in Russia until 15 days after the date that the Secretary of Defense submits to Congress notification that the United States has reached an agreement with Russia, which shall provide for appropriate transparency measures, regarding assistance by the United States with respect to such processing.

SEC. 1308. AGREEMENT ON NUCLEAR WEAPONS STORAGE SITES.

The Secretary of Defense shall seek to enter into an agreement with Russia regarding procedures to allow the United States appropriate access to nuclear weapons storage sites for which assistance under Cooperative Threat Reduction programs is provided.

SEC. 1309. PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION OF FOSSIL FUEL ENERGY PLANTS.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be used for the construction of a fossil fuel energy plant.

SEC. 1310. AUDITS OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) REPORT ON AUDITS.—Not later than March 31, 2001, the Comptroller General shall submit to Congress a report examining the procedures and mechanisms with respect to audits by the Department of Defense of the use of funds for Cooperative Threat Reduction programs. The report shall examine the following:

(1) Whether the audits being conducted by the Department of Defense are producing necessary information regarding whether assistance under such programs, including equipment provided and services furnished, is being used as intended.

(2) Whether the audit procedures of the Department of Defense are adequate, including whether random samplings are used.

(b) EXTENSION FOR COMPTROLLER GENERAL ASSESSMENT.—Section 1206(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 471) is amended by striking ''30 days'' and inserting ''90 days''.

SEC. 1311. LIMITATION ON USE OF FUNDS FOR PREVENTION OF BIOLOGICAL WEAPONS PROLIFERATION IN RUSSIA.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for prevention of proliferation of biological weapons in Russia until the President submits to Congress the report required by section 1309 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 795).

TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK

SEC. 1401. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack'' (hereinafter in this title referred to as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of nine members. Seven of the members shall be appointed by the Secretary of Defense and two of the members shall be appointed by the Director of the Federal Emergency Management Agency. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse (hereinafter referred to as ''EMP'') effects resulting from the detonation of a nuclear weapon or weapons at high altitude, sometimes referred to as high-altitude electromagnetic pulse effects (HEMP).

(d) CHAIRMAN OF COMMISSION.—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(g) INITIAL ORGANIZATION REQUIREMENTS.—All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed.

SEC. 1402. DUTIES OF COMMISSION.

(a) REVIEW OF EMP THREAT.—The Commission shall assess—

(1) the nature and magnitude of potential high-altitude EMP threats to the United States from Russia, China, North Korea, and other potentially hostile states or non-state actors that have or could acquire nuclear weapons and ballistic missiles enabling them to perform a high-altitude EMP attack against the United States within the next 15 years;

(2) the vulnerability of United States military and especially civilian systems to an EMP attack, giving special attention to vulnerability of the civilian infrastructure as a matter of emergency preparedness; and

(3) the capability of the United States to repair and recover from damage inflicted on United States military and civilian systems by an EMP attack.

(4) the feasibility and cost of hardening select military and civilian systems against EMP attack.

(b) RECOMMENDATION.—The Commission shall recommend steps that can be taken by the United States to better protect its military and civilian systems from EMP attack.

(c) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of the Federal Emergency Management Agency, and any other United States Government official serving in the Department of Defense or Armed Forces in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 1403. REPORT.

The Commission shall, not later than one year after the date of its first meeting, submit to Congress, the Secretary of Defense, and the Director of the Federal Emergency Management Agency a report on the Commission's findings and conclusions.

SEC. 1404. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 1405. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any agent or member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 1406. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1407. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish he Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1408. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2001. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 1409. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 1403.–

TITLE XV—PROVISIONS REGARDING VIEQUES ISLAND, PUERTO RICO

SEC. 1501. CONDITIONS ON DISPOSAL OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.

(a) INCLUSION IN EXCESS PROPERTY REPORT.—The Secretary of the Navy may not include any portion of the Naval Ammunition Support detachment on the western end of Vieques Island, Puerto Rico, in a report of excess real property required to be prepared pursuant to section 2662(a) of title 10, United States Code, unless and until the President certifies to the Congress that military training operations on Vieques Island utilizing the full range of live ordnance in use prior to April 19, 1999, have been resumed without interference.

(b) MANAGEMENT AS CONSERVATION ZONE.—If, consistent with subsection (a), any portion of the Naval Ammunition Support detachment on the western end of Vieques Island is declared to be excess to the needs of the Armed Forces, any conveyance of the property covered by the declaration shall be subject to the irrevocable condition that the recipient of the property (and any successor in interest) manage all lands included in the conveyance as a conservation zone.

(c) RETENTION OF RADAR AND TELECOMMUNICATIONS FACILITIES.—The following real property within the Naval Ammunition Support detachment on Vieques Island may not be transferred or conveyed from the jurisdiction of the Navy unless the transfer or conveyance is specifically authorized by a law enacted after the date of the enactment of this Act:

(1) The approximately 100 acres at the installation containing the Relocatable Over-The-Horizon Radar and the Mt. Pirata telecommunications facilities.

(2) Such other property at the installation that the Secretary of the Navy designates as necessary to provide access and utilities to the property described in paragraph (1), to ensure the security of the property, or to effectively maintain and operate the property.

SEC. 1502. RETENTION OF EASTERN PORTION OF VIEQUES ISLAND.

The Secretary of the Navy may not declare any lands within the Eastern Maneuver Area or the Atlantic Fleet Weapons Training Facility, including the Live Impact Area, on Vieques Island, Puerto Rico, to be excess to the needs of the Armed Forces, or transfer or convey any such lands from the jurisdiction of the Navy.

SEC. 1503. LIMITATIONS ON MILITARY USE OF VIEQUES ISLAND.

(a) ADVANCE NOTICE OF MAJOR TRAINING.—Not less than 15 days before the Armed Forces commences any major training exercise on Vieques Island, Puerto Rico, the Secretary of the Navy shall notify the Government of Puerto Rico, through its Secretary of State, of the exercise in the manner provided in the 1983 memorandum of understanding between the United States and the Government of Puerto Rico. The Secretary of the Navy shall define what constitutes a major training exercise for purposes of this section.

(b) MAXIMUM TRAINING DAYS.—Armed Forces training on Vieques Island involving the use of explosive ordnance may not exceed 90 days per calendar year. An additional 90 days per calendar year of training may occur if the training is limited to the use of nonexplosive ordnance, including spotting devices.

(c) SAFETY AND NOISE.—(1) The Secretary of the Navy shall ensure that procedures are implemented for Navy training on Vieques Island designed to ensure the safety of civilians on the island.

(2) The Secretary of the Navy shall require that naval vessels involved in such training be positioned in such a manner so as to reduce noise levels in civilian areas of the island whenever possible.

(d) ADVISORY COMMITTEE.—(1) The Secretary of the Navy shall establish an advisory committee to review and comment on the operations and policies relating to military training activities on and around Vieques Island. The committee shall be advisory in nature and shall meet not less than quarterly. Members of the advisory committee shall not receive additional compensation on account of their service on the committee.

(2) The Committee shall consist of three members appointed by the Governor of Puerto Rico, three members appointed by the Mayor of the Municipality of Vieques, and three members appointed by the Secretary of the Navy. Not less than two of the members shall be permanent residents of Vieques Island and not less than two shall be commissioned officers of the Navy or Marines Corps who have experience in combined training requirements.

(3) The committee shall be jointly chaired by one of the members appointed by the Governor of Puerto Rico, to be designated by the Governor, and one of the officers appointed by the Secretary of the Navy, to be designated by the Secretary.

(e) NATIONAL SECURITY WAIVER.—The Secretary of Defense may temporarily waive the applicability of subsection (a), (b), or (c) if the Secretary notifies Congress and the Governor of Puerto Rico that compliance with the requirements of such subsection would adversely affect national security. The Secretary shall include in the notification an estimate of the duration of the waiver.

SEC. 1504. ECONOMIC ASSISTANCE FOR RESIDENTS OF VIEQUES ISLAND.

(a) ASSISTANCE AUTHORIZED.—Subject to subsections (b) and (c), of the amounts appropriated pursuant to the 2000 Emergency Supplemental Appropriations Act referred to in section 1003, $40,000,000 shall be available to the Secretary of Defense to provide assistance to the residents of Vieques Island, Puerto Rico, in such manner and for such purposes as the Secretary considers appropriate.

(b) ASSISTANCE FOR CERTAIN PURPOSE PROHIBITED.—Amounts available under subsection (a) may not be used to conduct a referendum among the residents of Vieques Island regarding the further use of the island for military training programs.

(c) CONDITIONS ON AVAILABILITY OF ASSISTANCE.—The amounts available under subsection (a) may not be transferred, obligated, or expended unless and until the President certifies to the Congress that military training operations on Vieques Island utilizing the full range of live ordnance in use prior to April 19, 1999, have been resumed without interference.

(d) TRANSFER AUTHORITY.—The Secretary of Defense may expend amounts available under subsection (a) directly or by appropriate transfer for the provision of assistance to the residents of Vieques Island. The transfer authority provided under this subsection is in addition to any other transfer authority available to the Department of Defense.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2001''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	$28,500,000
	Fort Rucker	$5,600,000
Alaska	Fort Richardson	$3,000,000
Arizona	Fort Huachuca	$8,600,000
Arkansas	Pine Bluff Arsenal.	$2,750,000
California	Fort Irwin	$31,000,000
	Presidio, Monterey.	$4,600,000
Georgia	Fort Benning	$15,800,000
	Fort Gordon	$2,600,000
Hawaii	Wheeler Army Air Field.	$43,800,000
Kansas	Fort Riley	$5,600,000
Maryland	Aberdeen Proving Ground.	$8,900,000
Missouri	Fort Leonard Wood.	$65,400,000
New Jersey	Picatinny Arsenal	$5,600,000
New Mexico	White Sands Missile Range.	$9,000,000
New York	Fort Drum	$18,000,000
North Carolina	Fort Bragg	$222,200,000
	Sunny Point Army Terminal.	$2,300,000
Ohio	Columbus	$1,832,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Pennsylvania	Carlisle Barracks	$10,500,000
	New Cumberland Army Depot.	$3,700,000
Texas	Fort Bliss	$26,000,000
	Fort Hood	$36,492,000
	Red River Army Depot.	$800,000
	Total:	$562,574,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Area Support Group, Bamberg.	$11,650,000
	Area Support Group, Darmstadt.	$11,300,000
	Kaiserslautern	$3,400,000
	Mannheim	$4,050,000
Korea	Camp Carroll	$10,000,000
	Camp Hovey	$4,200,000
	Camp Humphreys	$14,200,000
	Camp Page	$19,500,000
Kwajalein	Kwajalein Atoll	$18,000,000
	Total:	$96,300,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide.	Classified Location.	$11,500,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State or County	Installation or location	Purpose	Amount
Arizona	Fort Huachuca.	110 Units.	$16,224,000
Hawaii	Schofield Barracks.	72 Units	$15,500,000
Kentucky	Fort Campbell.	102 Units.	$15,800,000
Maryland	Fort Detrick	48 Units	$5,600,000
North Carolina.	Fort Bragg	160 Units.	$22,000,000
South Carolina.	Fort Jackson	1 Unit	$250,000
Texas	Fort Bliss	64 Units	$10,200,000
Korea	Camp Humphreys.	60 Units	$21,800,000
Virginia	Fort Belvoir	27 Units	$5,500,000
	Fort Lee	52 Units	$8,600,000
	Total:		$121,474,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $6,542,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $72,440,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,824,640,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $385,974,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $96,300,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $11,500,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $17,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $105,861,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $200,456,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $971,704,000.

(7) For the construction of phase 1C of a barracks complex, Infantry Drive, Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $10,000,000.

(8) For the construction of a railhead facility, Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2182), as amended by section 2105 of this Act, $9,800,000.

(9) For the construction of a chemical defense qualification facility, Pine Bluff Arsenal, Arkansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825), $92,000.

(10) For the construction of phase 1B of a barracks complex, Wilson Street, Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 825), $22,400,000.

(11) For the construction of phase 2B of a barracks complex, Tagaytay Street, Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 2000 (113 Stat. 825), $3,108,000.

(12) For the construction of phase 2 of a tactical equipment shop, Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 2000 (113 Stat. 825), $10,991,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $22,600,000 (the balance of the amount authorized under section 2101(a) for the construction of a Basic Training Complex at Fort Leonard Wood, Missouri);

(3) $10,000,000 (the balance of the amount authorized under section 2101(a) for construction of a Multipurpose Digital Training Range at Fort Hood, Texas);

(4) $34,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Longstreet Road Phase I at Fort Bragg, North Carolina);

(5) $104,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks complex, Bunter Road Phase I at Fort Bragg, North Carolina); and

(6) $6,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a battle simulation center at Fort Drum, New York).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $635,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $19,911,000 which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION.—The table in section 2101 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182) is amended—

(1) in the item relating to Fort Hood, Texas, by striking ''$32,500,000'' in the amount column and inserting ''$45,300,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$781,581,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (112 Stat. 2184) is amended—

(1) in the matter preceding paragraph (1), by striking ''$2,098,713,000'' and inserting ''$2,111,513,000''; and

(2) in paragraph (1), by striking ''$609,076,000'' and inserting ''$622,581,000''.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma.	$8,200,000
	Navy Detachment, Camp Navajo.	$2,940,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$23,870,000
	Marine Corps Air Station, Miramar.	$13,740,000
	Marine Corps Base, Camp Pendleton.	$8,100,000
	Marine Corps Logistics Base, Barstow.	$6,600,000
	Naval Air Station, Lemoore.	$10,760,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Naval Air Warfare Center Weapons Division, Point Mugu	$12,600,000
	Naval Aviation Depot, North Island.	$4,340,000
	Naval Facility, San Clemente Island.	$8,860,000
	Naval Postgraduate School, Monterey.	$5,280,000
	Naval Ship Weapons Systems Engineering Station, Port Hueneme	$10,200,000
	Naval Station, San Diego.	$53,200,000
Connecticut	Naval Submarine Base, New London.	$3,100,000
CONUS Various	CONUS Various	$11,500,000
District of Columbia.	Marine Corps Barracks.	$24,597,000
	Naval District, Washington.	$2,450,000
	Naval Research Laboratory, Washington.	$12,390,000
Florida	Blount Island Command.	$3,320,000
	Naval Air Station, Jacksonville.	$1,400,000
	Naval Air Station, Whiting Field.	$5,130,000
	Naval Surface Warfare Center Wastal Systems Station, Panama City	$1,000,000
	Naval Station, Mayport.	$6,830,000
	Naval Surface Warfare Center Detachment, Ft. Lauderdale	$3,570,000
Georgia	Marine Corps Logistics Base, Albany.	$1,100,000
	Navy Supply Corps School, Athens.	$2,950,000
	Trident Refit Facility, Kings Bay.	$5,200,000
Hawaii	Fleet Industrial Supply Center, Pearl Harbor	$12,000,000
	Naval Undersea Weapons Station Detachment, Lualualei	$2,100,000
	Marine Corps Air Station, Kaneohe.	$18,400,000
	Naval Station, Pearl Harbor.	$30,700,000
Illinois	Naval Training Center, Great Lakes.	$124,800,000
Indiana	Naval Surface Warfare Center, Crane.	$8,460,000
Maine	Naval Air Station, Brunswick.	$2,450,000
	Naval Shipyard, Portsmouth.	$4,960,000
Maryland	Naval Explosive Ordinance Disposal Technology Center, Indian Head	$6,430,000
	Naval Air Station, Patuxent River	$8,240,000
Mississippi	Naval Air Station, Meridian.	$4,700,000
Nevada	Naval Air Station, Fallon.	$6,280,000
New Jersey	Naval Weapons Station, Earle.	$2,420,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
North Carolina	Marine Corps Air Station, Cherry Point.	$8,480,000
	Marine Corps Air Station, New River.	$3,400,000
	Marine Corps Base, Camp Lejeune.	$45,870,000
	Naval Aviation Depot, Cherry Point.	$7,540,000
Pennsylvania	Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia	$10,680,000
Rhode Island	Naval Undersea Warfare Center Division, Newport	$4,150,000
South Carolina	Marine Corps Air Station, Beaufort.	$3,140,000
	Marine Corps Recruit Depot, Parris Island	$2,660,000
Texas	Naval Air Station, Corpus Christi	$4,850,000
	Naval Air Station, Kingsville.	$2,670,000
	Naval Station, Ingleside.	$2,420,000
Virginia	AEGIS Combat Systems Center, Wallops Island	$3,300,000
	Marine Corps Combat Development Command, Quantico	$8,590,000
	Naval Air Station, Norfolk.	$31,450,000
	Naval Air Station, Oceana.	$9,440,000
	Naval Amphibious Base, Little Creek.	$2,830,000
	Naval Shipyard, Norfolk, Portsmouth.	$16,100,000
	Naval Station, Norfolk.	$4,700,000
	Naval Surface Warfare Center, Dahlgren.	$11,300,000
Washington	Naval Shipyard, Bremerton, Puget Sound.	$100,670,000
	Strategic Weapons Facility Pacific, Bremerton	$1,400,000
	Total:	$770,807,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit.	$19,400,000
Guam	Naval Activities	$1,000,000
Italy	Naval Air Station, Sigonella.	$32,969,000
	Naval Support Activity, Naples.	$15,000,000
Various Locations	Host Nation Infrastructure Support.	$142,000
	Total:	$68,511,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
California ...	Marine Corps Air-Ground Combat Center, Twentynine Palms ..	79 Units	$13,923,000
	Naval Air Station, Lemoore ...	260 Units.	$47,871,000
Hawaii	Commander Naval Base, Pearl Harbor	112 Units.	$23,654,000
	Commander Naval Base, Pearl Harbor	62 Units	$14,237,000
	Commander Naval Base, Pearl Harbor	98 Units	$22,230,000
	Marine Corps Air Station, Kaneohe Bay	84 Units	$21,910,000
Louisiana ...	Naval Air Station, New Orleans.	34 Units	$5,000,000
Maine	Naval Air Station, Brunswick	168 Units.	$18,722,000
Mississippi ..	Naval Construction battalion Center, Gulfport.	157 Units.	$20,700,000
Washington	Naval Air Station, Whidbey Island	98 Units	$16,873,000
		Total:	$205,120,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $19,958,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $192,147,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,187,673,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $718,627,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $68,511,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,659,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $67,502,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $417,225,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $882,638,000.

(6) For construction of a berthing wharf at Naval Air Station, North Island, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828), $12,800,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000, $35,600,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $17,500,000 (the balance of the amount authorized under section 2201(a) for repair of a pier at Naval Station, San Diego, California);

(3) $24,460,000 (the balance of the amount authorized under section 2201(a) for replacement of a pier at Naval Ship Yard, Bremerton, Puget Sound, Washington); and

(4) $10,280,000 (the balance of the amount authorized under section 2201(a) for construction of an industrial skills center at Naval Shipyard, Bremerton, Puget Sound, Washington).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $2,889,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1997 PROJECT AT MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount of $8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base.	$3,825,000
Alaska	Cape Romanzof ...	$3,900,000
	Eielson Air Force Base.	$15,990,000
	Elmendorf Air Force Base.	$27,520,000
Arizona	Davis-Monthan Air Force Base.	$7,900,000
Arkansas	Little Rock Air Force Base.	$18,319,000
California	Beale Air Force Base.	$10,100,000
	Los Angeles Air Force Base.	$6,580,000
	Vandenberg Air Force Base.	$4,650,000
Colorado	Buckley Air National Guard Base.	$2,750,000
	Peterson Air Force Base.	$15,570,000
	Schriever Air Force Base.	$8,450,000
	United States Air Force Academy.	$18,960,000
CONUS Classified	Classified Location.	$1,810,000
District of Columbia.	Bolling Air Force Base.	$4,520,000
Florida	Eglin Air Force Base.	$8,940,000
	Eglin Auxiliary Field 9.	$7,960,000
	Patrick Air Force Base.	$12,970,000
	Tyndall Air Force Base.	$31,495,000
Georgia	Fort Stewart/Hunter Army Air Field.	$4,920,000
	Moody Air Force Base.	$2,500,000
	Robins Air Force Base.	$11,762,000
Hawaii	Hickam Air Force Base.	$4,620,000
Idaho	Mountain Home Air Force Base.	$10,125,000
Illinois	Scott Air Force Base.	$3,830,000
Kansas	McConnell Air Force Base.	$9,764,000
Louisiana	Barksdale Air Force Base.	$6,390,000
Mississippi	Keesler Air Force Base.	$15,040,000
Missouri	Whiteman Air Force Base.	$12,050,000
Montana	Malmstrom Air Force Base.	$5,300,000
New Jersey	McGuire Air Force Base.	$29,772,000
North Carolina	Pope Air Force Base.	$24,570,000
	Seymour Johnson Air Force Base.	$7,141,000
North Dakota	Minot Air Force Base.	$3,151,000
Ohio	Wright-Patterson Air Force Base.	$37,508,000
Oklahoma	Altus Air Force Base.	$2,939,000
	Tinker Air Force Base.	$26,895,000
South Carolina	Charleston Air Force Base.	$12,789,000
	Shaw Air Force Base.	$8,102,000
Texas	Dyess Air Force Base.	$19,523,000
	Lackland Air Force Base.	$10,330,000
	Laughlin Air Force Base.	$11,973,000
	Sheppard Air Force Base.	$6,450,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Utah	Hill Air Force Base.	$28,050,000
Virginia	Langley Air Force Base.	$19,650,000
Washington	Fairchild Air Force Base.	$7,926,000
	McChord Air Force Base.	$10,250,000
Wyoming	F.E. Warren Air Force Base.	$25,720,000
	Total:	$591,249,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Diego Garcia	Diego Garcia	$5,475,000
Italy	Aviano Air Base	$8,000,000
Korea	Kunsan Air Base	$6,400,000
	Osan Air Base	$21,948,000
Spain	Naval Station, Rota.	$5,052,000
Turkey	Incirlik Air Base	$1,000,000
	Total:	$47,875,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
California	Edwards Air Force Base	57 Units	$9,870,000
	Travis Air Force Base.	64 Units	$9,870,000
District of Columbia.	Bolling Air Force Base.	136 Units.	$17,137,000
Nevada	Nellis Air Force Base.	26 Units	$5,000,000
North Dakota.	Cavalier Air Force Station	2 Units	$443,000
	Minot Air Force Base.	134 Units.	$19,097,000
		Total:	$61,417,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,760,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $174,046,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,766,136,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $589,199,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $47,875,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,850,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $56,949,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $248,223,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $826,271,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $9,400,000 (the balance of the amount authorized under section 2301(c) for the construction of an air freight terminal and base supply complex at McGuire Air Force Base, New Jersey).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $12,231,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Activity.	Camp Lejeune, North Carolina	$5,914,000
	Laurel Bay, South Carolina	$804,000
Defense Logistics Agency.	Defense Distribution Supply Point New Cumberland, Pennsylvania	$17,700,000
	Defense Fuel Support Point, Cherry Point, North Carolina	$5,700,000
	Defense Fuel Support Point, MacDill Air Force Base, Florida	$16,956,000
	Defense Fuel Support Point, McConnell Air Force Base, Kansas	$11,000,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Defense Fuel Support Point, Naval Air Station, Fallon, Nevada	$5,000,000
	Defense Fuel Support Point, North Island, California	$5,900,000
	Defense Fuel Support Point, Oceana Naval Air Station, Virginia	$2,000,000
	Defense Fuel Support Point, Patuxent River, Maryland	$8,300,000
	Defense Fuel Support Point, Twentynine Palms, California	$2,200,000
	Defense Supply Center, Richmond, Virginia	$4,500,000
National Security Agency.	Fort Meade, Maryland	$4,228,000
Special Operations Command.	Eglin Auxiliary Field 9, Florida	$26,523,000
	Fleet Combat Training Center, Dam Neck, Virginia	$5,500,000
	Fort Bragg, North Carolina	$8,600,000
	Fort Campbell, Kentucky	$16,300,000
	Kodiak, Alaska	$5,000,000
	Naval Air Station, North Island, California	$1,350,000
	Naval Air Station, Oceana, Virginia	$3,400,000
	Naval Amphibious Base, Coronado, California	$4,300,000
	Naval Amphibious Base, Little Creek, Virginia	$5,400,000
	Pearl Harbor, Hawaii	$9,990,000
TRICARE Management Activity	Edwards Air Force Base, California	$17,900,000
	Marine Corps Base, Camp Pendleton, California	$14,150,000
	Eglin Air Force Base, Florida	$37,600,000
	Fort Drum, New York	$1,400,000
	Patrick Air Force Base, Florida	$2,700,000
	Tyndall Air Force Base, Florida	$7,700,000
	Total:	$258,015,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity.	Hanau, Germany	$1,026,000
	Hohenfels, Germany	$13,774,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
	Royal Air Force, Feltwell, United Kingdom	$1,287,000
	Royal Air Force, Lakenheath, United Kingdom	$3,086,000
	Schweinfurt, Germany	$1,444,000
	Sigonella, Italy	$971,000
	Wuerzburg, Germany	$1,798,000
Defense Finance and Accounting Service	Kleber Kaserne, Germany	$7,500,000
Defense Logistics Agency.	Defense Fuel Support Point, Andersen Air Force Base, Guam	$36,000,000
	Defense Fuel Support Point, Marine Corps Air Station, Iwakuni, Japan	$22,400,000
	Defense Fuel Support Point, Misawa Air Base, Japan	$26,400,000
	Defense Fuel Support Point, Royal Air Force, Mildenhall, United Kingdom	$10,000,000
	Defense Fuel Support Point, Sigonella, Italy	$16,300,000
Defense Threat Reduction Agency	Darmstadt, Germany	$2,450,000
Special Operations Command.	Roosevelt Roads, Puerto Rico	$1,241,000
	Taegu, Korea	$1,450,000
TRICARE Management Agency	Kitzingen, Germany	$1,400,000
	Wiesbaden Air Base, Germany	$7,187,000
	Total:	$155,714,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations, and in the amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide.	Unspecified Worldwide	$451,135,000

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,034,759,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $262,415,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $155,714,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $85,095,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $17,390,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $75,705,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $1,174,369,000.

(8) For military family housing functions, for support of military housing (including functions described in section 2833 of title 10, United States Code), $44,886,000 of which not more than $38,478,000 may be obligated or expended for the leasing of military family housing units worldwide.

(9) For the construction of an ammunition demilitarization facility, Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $43,600,000.

(10) For the construction of phase 6 of an ammunition demilitarization facility, Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999, $9,400,000.

(11) For the construction of phase 2 of an ammunition demilitarization facility, Pueblo Army Depot, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), $10,700,000.

(12) For the construction of phase 3 of an ammunition demilitarization facility, Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $54,400,000.

(13) For the construction of phase 3 of an ammunition demilitarization facility, Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), $45,700,000.

(14) For construction of a replacement hospital at Fort Wainwright, Alaska, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), $44,000,000.

(15) For the construction of the Ammunition Demilitarization Support Phase 2, Blue Grass Army Depot, Kentucky, authorized in section 2401(a) the Military Construction Act for Fiscal Year 2000 (113 Stat. 836), $8,500,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $366,040,000 (the balance of the amount authorized under section 2401(c) for construction of National Missile Defense initial deployment facilities, unspecified worldwide locations).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (15) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $7,115,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $177,500,000.

TITLE XXVI—GUARD AND RESERVE FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2000, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $129,139,000; and

(B) for the Army Reserve, $104,854,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $56,574,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $110,885,000; and

(B) for the Air Force Reserve, $41,748,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2004 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act, shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	$7,900,000
Texas	Fort Hood	Family Housing Construction (130 units)	$18,800,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replacement Family Housing Construction (94 units)	$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units)	$28,881,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Replacement Family Housing Construction (132 units)	$23,891,000

Navy: Extension of 1998 Project Authorizations—Continued

State	Installation or location	Project	Amount
Louisiana	Naval Complex, New Orleans	Replacement Family Housing Construction (100 units)	$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units)	$22,250,000
Washington	Naval Air Station, Whidbey Island	Replacement Family Housing Construction (102 units)	$16,000,000

Air Force: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Georgia	Robins Air Force Base	Replace Family Housing (60 units)	$6,800,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (60 units)	$11,032,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	$20,900,000
Texas	Dyess Air Force Base	Construct Family Housing (70 units)	$10,503,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations set forth in the table in subsection (b), as provided in section 2201 or 2202 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 842), shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Navy Station, Mayport	Family Housing Construction (100 units)	$10,000,000
North Carolina.	Marine Corps Base, Camp Lejuene	Family Housing Construction (94 units)	$10,110,000
South Carolina.	Marine Corps Air Station, Beaufort	Family Housing Construction (140 units)	$14,000,000
Texas	Naval Complex, Corpus Christi	Family Housing Replacement (104 units)	$11,675,000
	Naval Air Station, Kingsville	Family Housing Replacement (48 units)	$7,550,000
Virginia	Marine Corps Combat Development Command, Quantico	Infrastructure Development	$8,900,000
Washington	Naval Station, Everett	Family Housing Construction (100 units)	$15,015,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2000; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. REVISION OF LIMITATIONS ON SPACE BY PAY GRADE.

Section 2826 of title 10, United States Code, is amended to read as follows:

''§ 2826. Limitations on space by pay grade

''In the construction, acquisition, and improvement of military family housing units, the Secretary concerned shall ensure that the room patterns and floor areas are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.''.

SEC. 2802. LEASING OF MILITARY FAMILY HOUSING, UNITED STATES SOUTHERN COMMAND, MIAMI, FLORIDA.

(a) FIVE-YEAR LEASE; PAYMENT SOURCE.—Subsection (b)(4) of section 2828 of title 10, United States Code, is amended—

(1) by striking ''and no lease on any individual housing unit may exceed $60,000 per year'' and inserting ''and the lease payments shall be made out of annual appropriations for that year''; and

(2) by adding at the end the following new sentence: ''A lease under this paragraph may not exceed five years.''.

(b) HOUSING ADJUSTMENT.—Such subsection is further amended—

(1) by inserting ''(A)'' after ''(4)''; and

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

''(B) At the beginning of each fiscal year, the Secretary of the Army shall adjust the maximum amount provided for leases under subparagraph (A) for the previous fiscal year by the percentage (if any) by which the basic allowance for housing under section 403 of title 37 for the Miami metropolitan area during the preceding fiscal year exceeded such basic allowance for housing for the second preceding fiscal year.''.

(c) CONFORMING AMENDMENT.—Subsection (b)(5) of such section is amended by striking ''paragraphs (2), (3), and (4)''and inserting ''paragraphs (2) and (3)''.

SEC. 2803. EXTENSION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2885 of title 10, United States Code, is amended by striking ''2001'' and inserting ''2006''.

SEC. 2804. EXPANSION OF DEFINITION OF ARMORY TO INCLUDE READINESS CENTERS.

(a) DEFINITION.—Section 18232(3) of title 10, United States Code, is amended by striking ''The term 'armory' means'' and inserting ''The terms 'armory' and 'readiness center' mean.

(b) CONFORMING AMENDMENTS.—(1) Section 18232(2) of such title is amended by striking ''armory or other structure'' and inserting ''armory, readiness center, or other structure''.

(2) Section 18236(b) of such title by inserting ''or readiness center'' after ''armory''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN THRESHOLD FOR NOTICE AND WAIT REQUIREMENTS FOR REAL PROPERTY TRANSACTIONS.

(a) INCREASED THRESHOLD.—Section 2662 of title 10, United States Code, is amended by striking ''$200,000'' each place it appears and inserting thereof ''$500,000''.

(b) REFERENCE TO SIMPLIFIED ACQUISITION THRESHOLD.—Subsection (b) of such section is amended by striking ''under section 2304(g) of this title'' and inserting ''specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)),''.

SEC. 2812. ENHANCEMENT OF AUTHORITY OF MILITARY DEPARTMENTS TO LEASE NON-EXCESS PROPERTY.

(a) PROPERTY AVAILABLE FOR LEASE.—Subsection (a) of section 2667 of title 10, United States Code, is amended—

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

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) ACCEPTANCE OF IN-KIND CONSIDERATION.—Such section is further amended—

(1) in subsection (b)(5)—

(A) by striking ''improvement, maintenance, protection, repair, or restoration,'' and inserting ''alteration, repair, or improvement,''; and

(B) by striking '', or of the entire unit or installation where a substantial part of it is leased,'';

(2) by transferring subsection (c) to the end of the section and redesignating such subsection, as so transferred, as subsection (i);

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

''(c)(1) In addition to any in-kind consideration accepted under subsection (b)(5), in-kind consideration accepted with respect to a lease under this section may include the following:

''(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities under the control of the Secretary concerned.

''(B) Provision of facilities for use by the Secretary concerned.

''(C) Facilities operation support for the Secretary concerned.

''(D) Provision of such other services relating to activities that will occur on the leased property as the Secretary concerned considers appropriate.

''(2) In-kind consideration under paragraph (1) may be accepted at any property or facilities under the control of the Secretary concerned that are selected for that purpose by the Secretary concerned.

''(3) The Secretary concerned may not accept in-kind consideration during a fiscal year with respect to leases under this section until the Comptroller General certifies to the Secretary concerned that the total received by the Secretary concerned as money rentals for that fiscal year under such leases is equal to the total money rentals under such leases received by the Secretary concerned during fiscal year 2000.

''(4) In the case of a lease for which all or part of the consideration proposed to be accepted by the Secretary concerned under this subsection is in-kind consideration with a value in excess of $500,000, the Secretary concerned may not enter into the lease until 30 days after the date on which a report on the facts of the lease is submitted to the congressional defense committees.''; and

(4) in subsection (f)—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(c) USE OF CASH PROCEEDS AND CONGRESSIONAL NOTIFICATION.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) Subject to subparagraphs (C) and (D), the amounts deposited in the special account of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department, in such amounts as provided in appropriation Acts, for the following:

''(i) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities.

''(ii) Lease of facilities.

''(iii) Facilities operation support.

''(C) At least 50 percent of the amounts deposited in the special account of a military department under subparagraph (A) by reason of a lease shall be available for activities described in subparagraph (B) only at the military installation where the leased property is located.

''(D) The Secretary concerned may not expend under subparagraph (B) an amount in excess of $500,000 at a single installation until 30 days after the date on which a report on the facts of the proposed expenditure is submitted to the congressional defense committees.''; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''As part'' and all that follows through ''Secretary of Defense'' and inserting ''Not later than March 15 each year, the Secretary of Defense shall submit to the congressional defense committees a report which''; and

(B) in subparagraph (A), by striking ''request'' and inserting ''report''.

(e) DEFINITIONS.—Subsection (h) of such section is amended to read as follows:

''(h) In this section:

''(1) The term 'congressional defense committees' means:

''(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

''(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

''(2) The term 'base closure law' means the following:

''(A) Section 2687 of this title.

''(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

''(C) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

''(3) The term 'military installation' has the meaning given such term in section 2687(e)(1) of this title.''.

SEC. 2813. CONVEYANCE AUTHORITY REGARDING UTILITY SYSTEMS OF MILITARY DEPARTMENTS.

Subsection (b) of section 2688 of title 10, United States Code, is amended to read as follows:

''(b) SELECTION OF CONVEYEE OR AWARDEE.—(1) The Secretary concerned shall comply with the competition requirements of section 2304 of this title in conveying a utility system under this section and in awarding any utility services contract related to the conveyance of the utility system.

''(2) A conveyance or award may be made under paragraph (1) only if the Secretary concerned determines that the conveyance or award complies with State laws, regulations, rulings, and policies governing the provision of utility services. Such State laws, regulations, rulings, and policies shall apply to the conveyee or awardee notwithstanding the existence of exclusive federal legislative jurisdiction as to any parcels of land served by the utility system.''.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF JURISDICTION, ROCK ISLAND ARSENAL, ILLINOIS.

(a) TRANSFER AUTHORIZED.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 23 acres and comprising a portion of the Rock Island Arsenal, Illinois.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Rock Island National Cemetery and use the transferred property as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, GALESBURG, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Knox County, Illinois (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Galesburg, Illinois, consisting of approximately 4.65 acres and containing an Army Reserve Center for the purpose of permitting the County to use the parcel for municipal office space.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the ''Foundation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Foundation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, FORT POLK, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Louisiana (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 200 acres at Fort Polk, Louisiana, for the purpose of permitting the State to establish a State-run cemetery for veterans.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, FORT PICKETT, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Commonwealth of Virginia (in this section referred to as the ''Commonwealth''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 700 acres at Fort Pickett, Virginia, for the purpose of permitting the Commonwealth to develop and operate a public safety training facility.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commonwealth.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Pemberton Township, New Jersey (in this section referred to as the ''Township''), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately 2 acres and containing a parking lot inadvertently constructed on the parcel by the Township.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) CONDITIONS ON CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the conditions that—

(1) the Township accept the property as is; and

(2) the Township assume responsibility for any environmental restoration or remediation required with respect to the property under applicable law.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, NIKE SITE 43, ELRAMA, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Board of Supervisors of Union Township, Pennsylvania (in this section referred to as the ''Township''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Elrama, Pennsylvania, consisting of approximately 160 acres, which is known as Nike Site 43 and was more recently used by the Pennsylvania Army National Guard, for the purpose of permitting the Township to use the parcel for municipal storage and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the ''City''), all right, title and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 100 acres at Fort Hood, Texas, in exchange for the City's conveyance to the Secretary of all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary and consist of a total of approximately 300 acres.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND CONVEYANCE, CHARLES MELVIN PRICE SUPPORT CENTER, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey to the Tri-City Regional Port District of Granite City, Illinois (in this section referred to as the ''Port District''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 752 acres and known as the U.S. Army Charles Melvin Price Support Center, for the purpose of permitting the Port District to use the parcel for development of a port facility and for other public purposes.

(2) The property to be conveyed under paragraph (1) shall include 158 units of military family housing at the Charles Melvin Price Support Center for the purpose of permitting the Port District to use the housing to provide affordable housing, but only if the Port District agrees to provide members of the Armed Forces first priority in leasing the housing at a rental rate not to exceed the member's basic allowance for housing.

(3) The Secretary of the Army may include as part of the conveyance under paragraph (1) personal property of the Army at the Charles Melvin Price Support Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and the Secretary of the Army agrees is excess to the needs of the Army.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is capable of being conveyed by deed, the Secretary of the Army may lease the property to the Port District.

(c) CONSIDERATION.—(1) The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port District satisfies the criteria specified in section 203(q) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(q)) and regulations prescribed to implement such section. If the Secretary determines that the Port District fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port District shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary of the Army.

(2) The Secretary of the Army may accept as consideration for a lease of the property under subsection (b) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease and the fair market value is unobtainable or is not compatible with the public interest.

(d) ARMY RESERVE ACTIVITIES.—(1) Notwithstanding the total acreage of the parcel authorized for conveyance under subsection (a), the Secretary of the Army may retain up to 50 acres of the parcel for use by the Army Reserve. The acreage selected for retention shall be mutually agreeable to the Secretary and the Port District.

(2) At such time as the Secretary of the Army determines that the property retained under this subsection is no longer needed for Army Reserve activities, the Secretary shall convey the property to the Port District. The consideration for the conveyance shall be determined in the manner provided in subsection (c).

(e) NAVY ENCLAVE.—Notwithstanding the total acreage of the parcel authorized for conveyance under subsection (a), the Secretary of the Army may retain an additional portion of the parcel, up to 150 acres, for the development

of a Navy enclave to support the existing Federal use of the parcel. The acreage selected for retention shall be mutually agreeable to the Secretary and the Port District.

(2) At such time as the Secretary of the Army determines that the property retained under this subsection is no longer needed, the Secretary shall convey the property to the Port District. The consideration for the conveyance shall be determined in the manner provided in subsection (c).

(f) FLOOD CONTROL EASEMENT.—The Port District shall grant to the Secretary of the Army an easement on the property conveyed under subsection (a) for the purpose of permitting the Secretary to implement and maintain flood control projects. The Secretary of the Army, acting through the Corps of Engineers, shall be responsible for the maintenance of any flood control project built on the property pursuant to the easement.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Port District. The cost of such survey shall be borne by the Port District.

(h) ADDITIONAL TERMS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2840. LAND CONVEYANCE, ARMY RESERVE LOCAL TRAINING CENTER, CHATTANOOGA, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Medal of Honor Museum, Inc., a nonprofit corporation organized in the State of Tennessee (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 15 acres at the Army Reserve Local Training Center located on Bonnie Oaks Drive, Chattanooga, Tennessee, for the purpose of permitting the Corporation to develop and use the parcel as a museum and for other educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2851. MODIFICATION OF AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) ADDITIONAL RESTRICTIONS ON JOINT USE.—Subsection (c) of section 2843 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3067) is amended to read as follows:

''(c) RESTRICTIONS ON USE.—The District's use of the property covered by an agreement under subsection (a) is subject to the following conditions:

''(1) The District shall suspend operations under the agreement upon notification by the commanding officer of the Center that the property is needed to support mission essential naval vessel support requirements or Navy contingency operations, including combat missions, natural disasters, and humanitarian missions.

''(2) The District shall use the property covered by the agreement in a manner consistent with Navy operations at the Center, including cooperating with the Navy for the purpose of assisting the Navy to meet its through-put requirements at the Center for the expeditious movement of military cargo.

''(3) The commanding officer of the Center may require the District to remove any of its personal property at the Center that the commanding officer determines may interfere with military operations at the Center. If the District cannot expeditiously remove the property, the commanding officer may provide for the removal of the property at District expense.''.

(b) CONSIDERATION.—Subsection (d) of such section is amended to read as follows:

''(d) CONSIDERATION.—(1) As consideration for the use of the property covered by an agreement under subsection (a), the District shall pay to the Navy an amount that is mutually agreeable to the parties to the agreement, taking into account the nature and extent of the District's use of the property.

''(2) The Secretary may accept in-kind consideration under paragraph (1), including consideration in the form of—

''(A) the District's maintenance, preservation, improvement, protection, repair, or restoration of all or any portion of the property covered by the agreement;

''(B) the construction of new facilities, the modification of existing facilities, or the replacement of facilities vacated by the Navy on account of the agreement; and

''(C) covering the cost of relocation of the operations of the Navy from the vacated facilities to the replacement facilities.

''(3) All cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established for the Navy under section 2667(d) of title 10, United States Code. The amounts deposited in the special account pursuant to this paragraph shall be available, as provided in appropriation Acts, for general supervision, administration, overhead expenses, and Center operations and for the maintenance preservation, improvement, protection, repair, or restoration of property at the Center.''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 2852. MODIFICATION OF LAND CONVEYANCE, MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

Section 2811(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1650) is amended by striking ''of additional military family housing units at Marine Corps Air Station, Tustin, California'' and inserting ''and repair of roads, and the development of Aerial Port of Embarkation facilities, at Marine Corps Air Station, Miramar, California''.

SEC. 2853. TRANSFER OF JURISDICTION, MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) TRANSFER AUTHORIZED.—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior a parcel of real property, including any improvements thereon, consisting of approximately 250 acres and known as the Teacup Parcel, which comprises a portion of the Marine Corps Air Station, Miramar, California.

(b) USE OF LAND.—The Secretary of the Interior shall include the real property transferred under subsection (a) as a part of the Vernal Pool Unit of the San Diego National Wildlife Refuge and administer the property for the conservation of fish and wildlife. All current and future military aviation and related activities at the Marine Corps Air Station, Miramar, are deemed to be compatible with the refuge purposes for which the property is transferred, and with any secondary uses that may be established on the transferred property.

(c) CONDITION ON TRANSFER.—The transfer authorized under subsection (a) shall be subject to the condition that the Secretary of the Interior make the transferred property available to the Secretary of the Navy for any habitat restoration or preservation project that may be required for mitigation of military activities occurring at the Marine Corps Air Station, Miramar, unless the Secretary of the Interior determines that the project adversely affect the property's sensitive wildlife and habitat resource values.

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary of the Interior.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2854. LEASE OF PROPERTY, MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) AUTHORITY TO LEASE.—(1) The Secretary of the Navy may lease, without consideration, to the City of San Diego, California (in this section referred to as the ''City''), a parcel of real property, including any improvements thereon, consisting of approximately 44 acres and known as the Hickman Field, which comprises a portion of the Marine Corps Air Station, Miramar, California.

(2) The lease authorized by paragraph (1) may have a term not to exceed five years.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be leased under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) CONDITIONS ON LEASE.—The lease authorized under subsection (a) shall be subject to the conditions that—

(1) the City maintain the property at no cost to the United States;

(2) the City make the property available to the existing tenant at no cost during the term of the lease; and

(3) the property be used only for recreational purposes.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LEASE OF PROPERTY, NAVAL AIR STATION, PENSACOLA, FLORIDA.

(a) AUTHORITY TO LEASE.—The Secretary of the Navy may lease, without consideration, to the Naval Aviation Museum Foundation (in this section referred to as the ''Foundation'') real property improvements constructed by the Foundation at the National Museum of Naval Aviation at Naval Air Station, Pensacola, Florida, for the purpose of permitting the Foundation to operate a National Flight Academy to encourage and assist American young people to develop an interest in naval aviation and to preserve and enhance the image and heritage of naval aviation.

(b) CONSTRUCTION.—The Foundation shall be solely responsible for the design and construction of the real property improvements referred to in subsection (a). Upon completion, the improvements shall be donated to and become the property of the United States, subject to the terms of the lease under subsection (a).

(c) TERM OF LEASE.—(1) The lease authorized by subsection (a) may be for a term of up to 50 years, with an option to renew for an additional 50 years.

(2) In the event that the National Flight Academy ceases operation for a period in excess of one year during the leasehold period, or any extension thereof, the lease shall immediately terminate without cost or future liability to the United States.

(d) USE BY NAVY.—The Secretary may use all or a portion of the leased property when the National Flight Academy is not in session or whenever the use of the property would not conflict with operation of the Academy. The Foundation shall permit such use at no cost to the Navy.

(e) MAINTENANCE AND REPAIR.—The Foundation shall be solely responsible during the leasehold period, and any extension thereof, for the operation, maintenance, and repair or replacement of the real property improvements authorized for lease under this section.

(f) ASSISTANCE.—(1) Subject to subsection (e), the Secretary may assist the Foundation in implementing the National Flight Academy by furnishing facilities, utilities, maintenance, and other services within the boundaries of Naval Air Station, Pensacola. The Secretary may require the Foundation to reimburse the Secretary for the facilities, utilities, maintenance, or other services so provided or may provide the facilities, utilities, maintenance, or other services without reimbursement by the Foundation.

(2) Any assistance provided the Foundation pursuant to paragraph (1) may be terminated by the Secretary without notice, cause, or liability to the United States.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND EXCHANGE, MARINE CORPS RECRUIT DEPOT, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the San Diego Unified Port District of San Diego California (in this section referred to as the ''Port District''), all right, title, and interest of the United States in and to three parcels of real property, including improvements thereon, consisting of approximately 44.5 acres and comprising a portion of the Marine Corps Recruit Depot, San Diego, California, in exchange for the Port District's—

(1) conveyance to the Secretary of all right, title, and interest of Port District in and to a parcel of real property that is acceptable to the Secretary and contiguous to the recruit depot; and

(2) construction of suitable replacement facilities and necessary supporting structures on the parcel or other property comprising the recruit depot, as determined necessary by the Secretary.

(b) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance to the Port District authorized by subsection (a) until the Secretary determines that the replacement facilities have been constructed and are ready for occupancy.

(c) ADMINISTRATIVE EXPENSES.—The Port District shall reimburse the Secretary for administrative expenses incurred by the Secretary in carrying out the exchange under subsection (a), including expenses related to the planning, design, survey, environmental compliance, and supervision and inspection of construction of the replacement facilities. Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(d) CONSTRUCTION SCHEDULE.—The Port District shall construct the replacement facilitates pursuant to such schedule and in such a manner so as to not interrupt or adversely affect the capability of the Marine Corps Recruit Depot to accomplish its mission.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND EXCHANGE, NAVAL AIR RESERVE CENTER, COLUMBUS, OHIO.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Navy may convey to the Rickenbacker Port Authority of Columbus, Ohio (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 24 acres comprising the civilian facilities of the Naval Air Reserve at Rickenbacker International Airport in Franklin County, Ohio, in exchange for the Authority's conveyance to the Secretary of all right, title, and interest of the Authority in and to a parcel of real property consisting of approximately 10 to 15 acres acceptable to the Secretary at Rickenbacker International Airport.

(b) USE OF ACQUIRED PROPERTY.—The Secretary shall use the real property acquired from the Authority in the exchange as the site for a replacement facility that will house both the Naval Air Reserve Center at Rickenbacker International Airport and the Naval and Marine Corps Reserve Center currently located in Columbus, Ohio.

(c) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance to the Authority authorized by subsection (a) until the Secretary determines that the replacement facility described in subsection (b) has been constructed and is ready for occupancy.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2858. LAND CONVEYANCE, NAVAL RESERVE CENTER, TAMPA, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Tampa Port Authority of Tampa, Florida (in this section referred to as the ''Port Authority''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2.18 acres and comprising the Naval Reserve Center, Tampa, Florida, for the purpose of permitting the Port Authority to use the parcel to facilitate the expansion of the Port of Tampa.

(b) CONDITIONS ON CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) The Port Authority will accept the Naval Reserve Center as is.

(2) The Port Authority will provide a replacement facility for the Naval Reserve Center on a site of comparable size and consisting of comparable improvements on port property or other public land acceptable to the Secretary. In the event that a federally owned site acceptable to the Secretary is not available for the construction of the replacement facility, the Port Authority will provide a site for the replacement facility acceptable to the Secretary and convey it in fee title to the United States.

(3) The Port Authority will procure all necessary funding and the planning and design necessary to construct a replacement facility that is fully operational and satisfies the Base Facilities Requirements plan, as provided by the Naval Reserve.

(4) The Port Authority will bear all reasonable costs that the Navy may incur in the relocating to the replacement facility.

(c) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance authorized under subsection (a) until all of the conditions specified in subsection (b) have been met to the satisfaction of the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2861. LAND CONVEYANCE, WRIGHT PATTERSON AIR FORCE BASE, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Greene County, Ohio, (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 92 acres comprising the communications test annex at Wright Patterson Air Force Base, Ohio, for the purpose of permitting the County to use the parcel for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, POINT ARENA AIR FORCE STATION, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Mendocino County, California (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 82 acres at the Point Arena Air Force Station, California, for the purpose of permitting the County to use the parcel for municipal and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(c) EFFECT OF RECONVEYANCE.—If at any time the County conveys all or a portion of the property conveyed under subsection (a), the County shall pay the United States an amount equal to the fair market value of the property conveyed, as determined by an appraisal satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, by sale or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including improvements thereon, at Los Angeles Air Force Base, California:

(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.

(2) Approximately 52 acres in El Segundo, California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.

(4) Approximately 3.7 acres in Sun Valley, California, commonly known as the Armed Forces Radio and Television Service Broadcast Center.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the recipient of the property shall provide for the design and construction on real property acceptable to the Secretary of one or more facilities to consolidate the mission and support functions at Los Angeles Air Force Base. Any such facility must comply with the seismic and safety design standards for Los Angeles County, California, in effect at the time the Secretary takes possession of the facility.

(c) LEASEBACK AUTHORITY.—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the facility for a period not to exceed 10 years. Rental payments under the lease shall be established at the rate necessary to permit the lessor to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end of the lease, all right, title, and interest in the facility shall vest in the United States.

(d) APPRAISAL OF PROPERTY.—The Secretary shall obtain an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining whether a proposed conveyance accomplishes the purpose of this section and is in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than the other party to a conveyance.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property to be conveyed under subsection (a) or acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.

(f) EXEMPTION.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a).

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) or a lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

PART IV—OTHER CONVEYANCES

SEC. 2871. CONVEYANCE OF ARMY AND AIR FORCE EXCHANGE SERVICE PROPERTY, FARMERS BRANCH, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service, which is a nonappropriated fund instrumentality of the United States, to sell all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 2727 LBJ Freeway in Farmers Branch, Texas.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(c) CONSIDERATION.—As consideration for conveyance under subsection (a), the purchaser shall pay, in a single lump sum payment, an amount equal to the fair market value of the real property conveyed, as determined by the Secretary. The payment shall be handled in the manner provided in section 204(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(c)).

(d) CONGRESSIONAL REPORT.—Within 30 days after the sale of the property under subsection (a), the Secretary shall submit to Congress a report detailing the particulars of the sale.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2881. RELATION OF EASEMENT AUTHORITY TO LEASED PARKLAND, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219) is amended by adding at the end the following new subsection:

''(f) EXEMPTION FOR CERTAIN LEASED LANDS.—(1) Section 303 of title 49, and section 138 of title 23, United States Code, shall not apply to any approval by the Secretary of Transportation of the use by State Route 241 of parkland within Camp Pendleton that is leased by the State of California, where the lease reserved to the United States the right to establish rights-of-way.

''(2) The Agency shall be responsible for the implementation of any measures required by the Secretary of Transportation to mitigate the impact of the Agency's use of parkland within Camp Pendleton for State Route 241. With the exception of those mitigation measures directly related to park functions, the measures shall be located outside the boundaries of Camp Pendleton. The required mitigation measures related to park functions shall be implemented in accordance with the terms of the lease referred to in paragraph (1).''.

SEC. 2882. EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2225), is amended by striking ''2000'' and inserting ''2002''.

SEC. 2883. ESTABLISHMENT OF WORLD WAR II MEMORIAL ON GUAM.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall establish on Federal lands near the Fena Caves in Guam a suitable memorial intended to honor those Guamanian civilians who were killed during the occupation of Guam during World War II and to commemorate the liberation of Guam by the United States Armed Forces in 1944.

(b) MAINTENANCE OF MEMORIAL.—The Secretary of Defense shall be responsible for the maintenance of the memorial established pursuant to subsection (a).

(c) CONSULTATION.—In designing and building the memorial and selecting the specific location for the memorial, the Secretary of Defense shall consult with the American Battle Monuments Commission established under chapter 21 of title 36, United States Code.

SEC. 2884. NAMING OF ARMY MISSILE TESTING RANGE AT KWAJALEIN ATOLL AS THE RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE AT KWAJALEIN ATOLL.

The United States Army missile testing range located at Kwajalein Atoll in the Marshall Islands shall after the date of the enactment of this Act be known and designated as the ''Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll''. Any reference to that range in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.

SEC. 2885. DESIGNATION OF BUILDING AT FORT BELVOIR, VIRGINIA, IN HONOR OF ANDREW T. MCNAMARA.

The building at 8725 John J. Kingman Road, Fort Belvoir, Virginia, shall be known and designated as the ''Andrew T. McNamara Building''. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Andrew T. McNamara Building.

SEC. 2886. DESIGNATION OF BALBOA NAVAL HOSPITAL, SAN DIEGO, CALIFORNIA, IN HONOR OF BOB WILSON, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Balboa Naval Hospital in San Diego, California, shall be known and designated as the ''Bob Wilson Naval Hospital''. Any reference to the Balboa Naval Hospital in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Bob Wilson Naval Hospital.

SEC. 2887. SENSE OF CONGRESS REGARDING IMPORTANCE OF EXPANSION OF NATIONAL TRAINING CENTER, FORT IRWIN, CALIFORNIA.

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

(1) The National Training Center at Fort Irwin, California, is the Army's premier warfare training center.

(2) The National Training Center was cited by General Norman Schwarzkopf as being instrumental to the success of the allied victory in the Persian Gulf conflict.

(3) The National Training Center gives a military unit the opportunity to use high-tech equipment and confront realistic opposing forces in order to accurately discover the unit's strengths and weaknesses.

(4) The current size of the National Training Center is insufficient in light of the advanced equipment and technology required for modern warfare training.

(5) The expansion of the National Training Center to include additional lands would permit military units and members of the Armed Forces to adequately prepare for future conflicts and various warfare scenarios they may encounter throughout the world.

(6) Additional lands for the expansion of the National Training Center are presently available in the California desert.

(7) The expansion of the National Training Center is a top priority of the Army and the Office of the Secretary of Defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the prompt expansion of the National Training Center is vital to the national security interests of the United States.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $6,269,435,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, $4,677,800,000, to be allocated as follows:

(A) For stewardship, $4,280,415,000, to be allocated as follows:

(i) For directed stockpile work, $856,603,000.

(ii) For campaigns, $2,057,014,000, to be allocated as follows:

(I) For operation and maintenance, $1,707,682,000.

(II) For construction, $349,332,000, to be allocated as follows:

Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $2,300,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $5,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $56,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,700,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $75,000,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $35,232,000.

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $169,100,000.

(iii) For readiness in technical base and facilities, $1,366,798,000.

(B) For secure transportation asset, $115,673,000, to be allocated as follows:

(i) For operation and maintenance, $79,357,000.

(ii) For program direction, $36,316,000.

(C) For program direction, $216,871,000.

(D) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $159,841,000, to be allocated as follows:

Project 01–D–103, preliminary project design and engineering, various locations, $14,500,000.

Project 01–D–124, highly enriched uranium (HEU) storage facility, Y–12 Plant, Oak Ridge, Tennessee, $17,800,000.

Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $3,000,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $5,000,000.

Project 99–D–104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,800,000.

Project 99–D–106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, $5,200,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $13,000,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City plant, Kansas City, Missouri, $23,765,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $4,998,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,043,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $30,767,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $2,918,000.

Project 95–D–102, chemistry and metallurgy research (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,337,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $2,713,000.

(2) DEFENSE NUCLEAR NONPROLIFERATION.—For other nuclear security activities, $914,035,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $232,990,000, to be allocated as follows:

(i) For operation and maintenance, $225,990,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $7,000,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, $7,000,000.

(B) For arms control, $272,870,000.

(C) For long-term nonproliferation program for Russia, $100,000,000.

(D) For highly enriched uranium transparency implementation, $15,190,000.

(E) For international nuclear safety, $20,000,000.

(F) For fissile materials control and disposition, $221,517,000, to be allocated as follows:

(i) For operation and maintenance, $175,517,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $46,000,000, to be allocated as follows:

Project 00–D–142, immobilization and associated processing facility, various locations, $3,000,000.

Project 99–D–141, pit disassembly and conversion facility, various locations, $20,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $23,000,000.

(G) For program direction, $51,468,000.

(3) NAVAL REACTORS.—For naval reactors, $677,600,000, to be allocated as follows:

(A) For naval reactors development, $656,200,000, to be allocated as follows:

(i) For operation and maintenance, $627,500,000.

(ii) For general plant projects, $11,400,000.

(iii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $17,300,000, to be allocated as follows:

Project 01–D–200, major office replacement building, Schenectady, New York, $1,300,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $16,000,000.

(B) For program direction, $21,400,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraph (1) of subsection (a) is the sum of the amounts authorized to be appropriated in subparagraphs (A) through (D) of such paragraph reduced by $95,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $4,591,527,000, to be allocated as follows:

(1) SITE/PROJECT COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,010,951,000, to be allocated as follows:

(A) For operation and maintenance, $941,475,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $69,476,000, to be allocated as follows:

Project 01–D–402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho, $500,000.

Project 01–D–407, Highly Enriched Uranium (HEU) Blend-down, Savannah River Site, Aiken, South Carolina, $27,932,000.

Project 99–D–402, tank farm support services, F&H area, Savannah River Site, Aiken, South Carolina, $7,714,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho, $4,300,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,690,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $3,949,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $12,512,000.

Project 92–D–140, F and H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $8,879,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(2) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,108,457,000, to be allocated as follows:

(A) For operation and maintenance, $2,588,725,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $99,732,000, to be allocated as follows:

Project 01–D–403, immobilized high level waste interim storage facility, Richland, Washington, $1,300,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $7,812,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $46,023,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $17,385,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $27,212,000.

(3) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $196,548,000.

(4) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $359,888,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (4) of that subsection reduced by $84,317,000, to be derived from offsets and use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for other defense activities in carrying out programs necessary for national security in the amount of $557,122,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, $38,059,000, to be allocated as follows:

(A) For operation and maintenance, $36,059,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $2,000,000, to be allocated as follows:

Project 01–D–800, Sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, $45,200,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, $340,376,000, to be allocated as follows:

(A) For nuclear safeguards and security, $124,409,000.

(B) For security investigations, $33,000,000.

(C) For emergency management, $93,600,000.

(D) For program direction, $89,367,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, $14,937,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, $111,050,000, to be allocated as follows:

(A) For environment, safety, and health (defense), $88,446,000.

(B) For program direction, $22,604,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $24,500,000, to be allocated as follows:

(A) For worker and community transition, $21,500,000.

(B) For program direction, $3,000,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.

(b) ADJUSTMENTS.—The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by $20,000,000 to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE FACILITIES CLOSURE PROJECTS.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,082,297,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for privatization projects at various locations in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $284,092,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by $25,092,000 for use of prior year balances of funds for defense environmental management privatization.

SEC. 3106. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $112,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 45 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 45-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) LIMITATION.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), amounts appropriated for any activities under this title pursuant to an authorization of appropriations in this title shall remain available for obligation only until the later of the following dates:

(1) October 1, 2003.

(2) The date of the enactment of an Act authorizing funds for such activities for fiscal year 2004.

(b) EXCEPTION FOR PROGRAM DIRECTION.—Amounts appropriated for program direction pursuant to an authorization of appropriations in this title shall remain available for obligation only until the later of the following dates:

(1) October 1, 2001.

(2) The date of the enactment of an Act authorizing funds for such program direction for fiscal year 2002.

SEC. 3128. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2000, and ending on September 30, 2001.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. FUNDING FOR TERMINATION COSTS FOR TANK WASTE REMEDIATION SYSTEM ENVIRONMENTAL PROJECT, RICHLAND, WASHINGTON.

The Secretary of Energy may not use appropriated funds to establish a reserve for the payment of any costs of termination of any contract relating to the tank waste remediation system environmental project, Richland, Washington. Such costs may be paid from—

(1) appropriations originally available for the performance of the contract concerned;

(2) appropriations currently available for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs, and not otherwise obligated; or

(3) funds appropriated specifically for the payment of such costs.

SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) JOINTLY FUNDED PROJECTS.—The Secretary of Energy and the Secretary of Defense shall modify the memorandum of understanding for the use of national laboratories for ballistic missile defense programs, entered into under section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034), to provide for jointly funded projects.

(b) REQUIREMENTS FOR PROJECTS.—The projects referred to in subsection (a) shall—

(1) be carried out by the National Nuclear Security Administration and the Ballistic Missile Defense Organization; and

(2) contribute to sustaining—

(A) the expertise necessary for the viability of such laboratories; and

(B) the capabilities required to sustain the nuclear stockpile.

(c) PARTICIPATION BY NNSA IN CERTAIN BMDO ACTIVITIES.—The Administrator of the National Nuclear Security Administration and the Director of the Ballistic Missile Defense Organization shall implement mechanisms that increase the cooperative relationship between those organizations. Those mechanisms shall include participation by personnel of the National Nuclear Security Administration in the following activities of the Ballistic Missile Defense Organization:

(1) Peer reviews of technical efforts.

(2) Activities of so-called ''red teams''.

SEC. 3133. REQUIRED CONTENTS OF FUTURE-YEARS NUCLEAR SECURITY PROGRAM TO BE SUBMITTED WITH FISCAL YEAR 2002 BUDGET AND LIMITATION ON THE OBLIGATION OF CERTAIN FUNDS PENDING SUBMISSION OF THAT PROGRAM.

(a) FINDINGS.—Congress finds that:

(1) The budget justification materials submitted to Congress in support of the budget for fiscal year 2001 did not comply with the requirement of section 3251(b) of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 966; 50 U.S.C. 2451) that the amounts requested for the National Nuclear Security Administration be specified in individual, dedicated program elements.

(2) The information submitted to Congress in support of that budget did not comply with the requirement of section 3253(b) of such Act (50 U.S.C. 2453(b)) that a future-years nuclear security program be submitted that contains—

(A) the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration during the five-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget; and

(B) a description of the anticipated workload requirements for each Administration site during that five-fiscal year period.

(b) REQUIRED DETAIL FOR FUTURE-YEARS NUCLEAR SECURITY PROGRAM SUBMITTED WITH FISCAL YEAR 2002 BUDGET.—The future-years nuclear security program submitted in connection with the budget for fiscal year 2002 shall, at a minimum, and in addition to the information required to be contained in such program by section 3253 of such Act (50 U.S.C. 2453), include the following information:

(1) A detailed description of proposed program elements for directed stockpile work, campaigns, readiness in technical base and facilities, nonproliferation and national security, fissile materials disposition, and naval reactors, and for their associated projects, activities, and construction projects, during the five-fiscal year period covered by such program.

(2) A statement of proposed budget authority, proposed expenditures, and proposed appropriations necessary to support each proposed program element specified in paragraph (1).

(3) A detailed description of how the funds identified for each proposed program element specified in paragraph (1) in the budget of the Administration for each fiscal year during the five-fiscal year period covered by such program will help ensure that the nuclear weapons stockpile is safe and reliable as determined in accordance with the criteria established under section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2257; 42 U.S.C. 2121 note).

(c) LIMITATION ON OBLIGATION OF CERTAIN FUNDS.—The Administrator for Nuclear Security may not obligate more than 50 percent of the funds described in subsection (d) until 30 days after the Administrator submits the future-years nuclear security program required to be submitted in connection with the budget for fiscal year 2002.

(d) COVERED FUNDS.—Funds referred to in subsection (c) are funds appropriated or otherwise available to the Administrator for Program Direction within any National Nuclear Security Administration budget account for fiscal year 2001.

SEC. 3134. LIMITATION ON OBLIGATION OF CERTAIN FUNDS.

(a) LIMITATION.—The Secretary of Energy may not obligate any funds appropriated or otherwise made available to the Secretary for fiscal year 2001 for the purpose of infrastructure upgrades or maintenance in an account specified in subsection (b) for any other purpose.

(b) COVERED ACCOUNTS.—An account referred to in subsection (a) is any Construction account or Readiness in Technical Base and Facilities account within any National Nuclear Security Administration budget account.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2001, $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2001, the National Defense Stockpile Manager may obligate up to $70,500,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. USE OF EXCESS TITANIUM SPONGE IN THE NATIONAL DEFENSE STOCKPILE TO MANUFACTURE DEPARTMENT OF DEFENSE EQUIPMENT.

(a) TRANSFER AUTHORIZED.—Upon the request of the Secretary of a military department or the director of a defense agency, the Secretary of Defense may transfer excess titanium sponge in the National Defense Stockpile for use in manufacturing equipment to be used by the Armed Forces. The quantity of titanium sponge transferred under this section may not exceed 20,000 short tons.

(b) NONREIMBURSABLE.—Any transfer of excess titanium sponge under this section shall be

made without reimbursement, except that the recipient of the material shall be responsible for all transportation and related costs incurred in connection with the transfer.

(c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—Any request by the Secretary of the Army for the transfer of titanium sponge pursuant to section 3305 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 630) takes precedence over any transfer request received under this section.

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

Funds are hereby authorized to be appropriated for fiscal year 2001, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $94,160,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $54,179,000, of which—

(A) $50,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $4,179,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3402. EXTENSION OF PERIOD FOR DISPOSAL OF OBSOLETE VESSELS IN THE NATIONAL DEFENSE RESERVE FLEET.

(a) EXTENSION.—Section 6(c)(1)(A) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)(A)) is amended by striking ''2001'' and inserting ''2006''.

(b) UTILIZATION OF FOREIGN SCRAPPING.—Section 6(c)(1) of such Act (16 U.S.C. 5405(c)(1)) is amended—

(1) in subparagraph (B) by striking ''and'' after the semicolon;

(2) in subparagraph (C)—

(A) by striking ''in accordance with'' and inserting ''subject to subparagraph (D), in accordance with''; and

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

(3) by adding at the end the following:

''(D) to the maximum extent possible, by scrapping outside of the United States.''.

(b) PLAN FOR COMPLETION OF DISPOSAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Congress a plan for completing disposal of vessels in the National Defense Reserve Fleet in accordance with section 6(c) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405), as amended by subsection (a), including—

(1) a description of resources required for such completion; and

(2) a determination of the extent to which such vessels will be disposed of by scrapping outside of the United States.

SEC. 3403. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, GLACIER.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (in this section referred to as ''the Secretary'') may, subject to subsection (b), convey all right, title, and interest of the United States Government in and to the vessel in the National Defense Reserve Fleet that was formerly the U.S.S. GLACIER (United States official number AGB–4) to the Glacier Society, Inc., a corporation established under the laws of the State of Connecticut that is located in Bridgeport, Connecticut (in this section referred to as the ''recipient'').

(b) TERMS OF CONVEYANCE.—

(1) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless the recipient—

(A) agrees to use the vessel for the purpose of a monument to the accomplishments of members of the Armed Forces of the United States, civilians, scientists, and diplomats in exploration of the Arctic and the Antarctic;

(B) agrees that the vessel will not be used for commercial purposes;

(C) agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency;

(D) agrees to hold the Government harmless for any claims arising from exposure to asbestos, polychlorinated biphenyls, or lead paint after the conveyance of the vessel, except for claims arising from use of the vessel by the Government pursuant to the agreement under subparagraph (C); and

(E) provides sufficient evidence to the Secretary that it has available for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(2) DELIVERY OF VESSEL.—If the Secretary conveys the vessel under this section, the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—If the Secretary conveys the vessel under this section, the Secretary may also convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet or Government storage facilities for use to restore the vessel to museum quality or to its original configuration (or both).

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under this section until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of the conveyance of the vessel under this section.

Amend the title so as to read: ''A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''.

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 106–621 or specified by subsequent order of the House, amendments en bloc described in section 3 of House Resolution 503, and pro forma amendments offered by the chairman and ranking minority member.

Except as specified in section 5 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendment.

The amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 40 minutes, equally divided and controlled by the chairman and ranking minority member, or their designees, shall not be subject to amendment and shall not be subject to a demand for the division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

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

The Chairman of the Committee of the Whole may recognize for consideration of amendments printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

It is now in order to consider Amendment No. 1 printed in House Report 106–621.

AMENDMENT NO. 1 OFFERED BY MR. KASICH

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KASICH:

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. ACTIVITIES IN KOSOVO.

(a) CONTINGENT REQUIRED WITHDRAWAL OF FORCES FROM KOSOVO.—If the President does not submit to Congress a certification under subsection (c) and a report under subsection (d) before April 1, 2001, then, effective on April 1, 2001, funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended for the continued deployment of United States ground combat forces in Kosovo. Such funds shall be available with respect to Kosovo only for the purpose of conducting a safe, orderly, and phased withdrawal of United States ground combat forces from Kosovo, and no other amounts appropriated for the Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States ground combat forces in Kosovo. In that case, the President shall submit to Congress, not later than April 30, 2001, a report on the plan for the withdrawal.

(b) WAIVER AUTHORITY.—(1) The President may waive the provisions of subsection (a) for a period or periods of up to 90 days each in the event that—

(A) United States Armed Forces are involved in hostilities in Kosovo or imminent involvement by United States Armed forces in hostilities in Kosovo is clearly indicated by the circumstances; or

(B) the North Atlantic Treaty Organization, acting through the Supreme Allied Commander, Europe, requests emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

(2) The authority in paragraph (1) may not be exercised more than twice unless Congress by law specifically authorizes the additional exercise of that authority.

(c) CERTIFICATION.—Whenever the President determines that the Kosovo burdensharing goals set forth in paragraph (2) have been achieved, the President shall certify in writing to Congress that those goals have been achieved.

(2) The Kosovo burdensharing goals referred to in paragraph (1) are that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(A) obligated or contracted for at least 50 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(B) obligated or contracted for at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(C) provided at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(D) deployed at least 90 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(d) REPORT ON COMMITMENTS AND PLEDGES BY OTHER NATIONS AND ORGANIZATIONS.—The President shall submit to Congress a report containing detailed information on—

(1) the commitments and pledges made by the European Commission, each of the member nations of the European Union, and each of the European member nations of the North Atlantic Treaty Organization for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(2) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(3) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(e) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Ohio (Mr. KASICH) and a Member opposed each will control 30 minutes.

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

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

I think the Members of the House will remember that just a short period of time ago the gentleman from Connecticut (Mr. SHAYS), the gentleman from Massachusetts (Mr. FRANK), the gentleman from California (Mr. CONDIT), the gentleman from Alabama (Mr. BACHUS) and I came to the floor with an amendment on Kosovo. The thrust of our amendment was to force the Europeans, who had made pledges to us in Kosovo, to live up to the pledges that they made.

They were going to help us in four specific areas of Kosovo activity, and they were going to be in such areas as civilian administration, reconstruction, and police activities. The fact is that we had felt at the time that the allies, who had agreed to be involved with us, had in fact not contributed the kind of money that they said that they would give in these areas of reconstruction and police and a civil budget and humanitarian aid.

What we had been urging is the fact that since the Europeans, when put all together, have an economy, a GDP that is, when looked at, essentially the same as ours. As we can see when we take a look at all of NATO and Europe, their GDP is $8.3 trillion, ours being $8.9 trillion. Relatively similar. The defense spending of $283 billion by us, $180 billion by them. We felt as though they were not really carrying the load.

In fact, that since our European allies had made a commitment to putting up and honoring the pledges they made in terms of all of our involvements in Kosovo, that we ought to at least keep their feet to the fire when it comes to getting them to live up just to the commitments that they made. Not commitments that we had established, but rather commitments that they had pledged.

The fact is that since Senator WARNER, the gentleman from Virginia, has turned up the heat on our European allies, along with the action in this House, we have, in fact, seen some improvement, but we have not seen all the improvement that we look for.

The vote that we had on the House floor about a month ago was very, very close. And there were a number of arguments against it that were related to the fact that there was not a presidential waiver for national security purposes, and that, secondly, the funding and the way in which the funding was going to be withdrawn from our activities in Kosovo would actually harm the readiness of our forces.

We did not agree with either of the charges, but since we fell short, we thought we needed to go back and review the legitimate questions that arose from the amendment that we had. And we felt that if we made improvements, that we could be constructive in our improvements, that we could win this vote and, in fact, we could send a strong message to our European allies that they ought to keep their pledge.

Let me just show my colleagues for a second what we are talking about in terms of our European allies. In the area of reconstruction aid, the original pledge was $402 million to help with reconstruction, but the actual payments have only been $93 million. We feel as though the Europeans ought to take the $93 million and, in fact, honor the pledge that they had made.

Secondly, in the area of police in Kosovo, and as I think we all know when we look at so many of the actions in Kosovo right now, we do recognize that the activity of the police, both civilian and special police, are very important in terms of maintaining some sense of stability in Kosovo. What the U.N. requested was that the Europeans contribute approximately 4,700 police. The European pledge was 1,200. But they have only agreed to provide 808 police for purposes of civilian administration.

What we are arguing is that the European allies, our NATO allies, have relatively the same size economy as the United States; that we carry far more of the load when it comes to the amount of resources we dedicate for defense; and that we have been in Kosovo now for a significant period of time, and in Bosnia, in the Balkans. In fact, if we take a look at Bosnia and Kosovo, we can see that between 1993 and 2001, we will have expended over $20 billion. What we are asking for is that the Europeans, our NATO allies, honor the pledges that they made.

We have provided the President of the United States a presidential waiver; that the President could request a 90-day waiver on the withdrawal of American forces if in fact our allies do not step up to the plate. The President would have a second 90-day waiver and, in fact, he could come a third time. But on the third time it would force a vote of this House.

I really do not think that the waivers are going to be that critical. Because I think if the House today says that we are urging our European allies to keep their pledge, to keep their commitment, when we take a look at it in terms of the commitment that the United States has made and the amount of resources that have been expended, it is very reasonable for us to call on our European allies to live up to their pledge.

□ 1345

We have given the President flexibility. We also do not withhold any funds at the current time. This amendment would not take effect until April 1, 2001.

Now, I would say to my colleagues that I think we all feel strongly about burdensharing and the proper way to do it. We all have our disagreements

about the proper policy in Kosovo. And, in fact, in the United States Senate, an amendment passed that I personally support that would withdraw American forces from Kosovo in a definite period of time.

I do not believe that that policy can pass this House. But I believe that what can pass this House and, I hope, pass the Senate and ultimately be signed into law is a provision that says to our European allies, live up to the pledge that they made, be a good partner with us in terms of our activities in the Balkans, which send a message to the Europeans far beyond just the Balkans.

I want the House to know that we listened carefully to the objections of this amendment the last time around and we, as a group, have made a real effort to try to answer those legitimate objections that were raised on this House floor.

I think with the presidential waiver in order and with the fact that we withhold no funds at the present and wait until October 1, 2001, to actually act would give the Europeans enough time to practically be able to meet their pledge.

I think if they would meet their pledge, it would ensure a sense of solidarity between all NATO partners. I think it would restore a sense of equity between us, the United States, who have done so much in the Balkans and our NATO allies, and the continent where they live would begin to do more of what they say they want to do. And I think, in a way, it would be a very strong message that NATO needs to be not just a one-way partnership but, frankly, a partnership among everyone with everybody expected to provide the resources that they are able to provide in order to carry out mutual security concerns.

Again, I would rather have not been in Kosovo. I would love to see a time certain for withdrawal of American forces so that people in the region can handle the situation that exists, which I believe that they can.

But that is not what this amendment addresses. This amendment is neutral on the issue of whether we belong or do not belong in Kosovo. But it is not neutral on the fact that, when our allies make pledges, when the time comes for them to keep their pledge, we must keep their feet to the fire.

I believe if the House passes this amendment, in my judgment, I think we will see the Europeans begin to do much better in these areas where they have fallen short. And I think the more heat we keep on, the more effective it is not just for our soldiers, but also for the American taxpayer and, I think, for mutual security.

So I would urge passage of the amendment.

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

Mr. SKELTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Missouri (Mr. SKELTON) is recognized for 30 minutes.

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

Mr. Chairman, I rise in strong opposition to the Kasich amendment. This amendment would have the perverse effect of holding our national security interests in Europe, and indeed the safety and well-being of our military forces there hostage to what other nations do.

I do not believe that how we exercise our national security policy should be determined by the actions of other countries. Moreover, this amendment would be unlikely to encourage our European allies to do more burdensharing. I believe it would invalidate the trust that our allies and NATO have in us, it would undermine American leadership worldwide, and would encourage renewed ethnic tension, fighting and instability in that sad part of the world, the Balkans.

We all understand and I agree that our European allies should take on a larger share of the costs and the risks associated with the conduct of military operations and efforts to secure sustainable peace in Kosovo. And I firmly believe we should continue to press our allies to do more to live up to their commitments in the region. But we should not act precipitously and undo the gains we have made just because our allies do not quite measure up on time, though they have done a relatively good job of doing so.

I am convinced that this amendment does much more harm than good. It sends exactly the wrong message to both our allies as well as our adversaries. By setting a specific deadline for the pullout of American forces, the amendment would signal to the Albanians the limits of national security guarantees providing for their protection. Mr. Milosevic would know that all he needs to do is wait, and after the first of April next year, he can effectively resume his campaign of ethnic cleansing and genocide, leading to an additional holocaust. The people of Montenegro, who have thus far resisted Serbian hegemony, would become vulnerable to takeover. The conflict could spread to Macedonia.

At the same time, our European allies will see this measure as a unilateral move that splits 50 years of shared efforts in NATO. There is no doubt that European stability will be compromised. While it purports to send a message that the Europeans must bear a greater share of the burdens leading to regional peace, it transmits counterproductive ultimatums. It fails to realize that our European allies already make substantial contributions to alliance security, and those contributions have significantly increased over the last several years.

I have communicated my concerns to General Ralston, the NATO commander, and he essentially shares my views. In addition to the adverse implications this amendment would have on U.S. leadership in the region and in the world, he is concerned about the impact of this amendment on the morale of U.S. military forces who have unselfishly, under conditions of extreme hardship and personal sacrifices, contributed so much to achieve peace in that sad part of the world.

This amendment sends a message that can only undermine the confidence of our service members about our national resolve and will inevitably call into question the sacrifices that we have already asked them to make.

The simple fact is that the United States is the world's lone superpower. All over the world, nations look up to our country. We are their inspiration. We are their role model. We are their hope for the future.

The likelihood of NATO enlargement, led by the United States, and the prospect of expanding the peace and stability in Eastern Europe, as well as in the Balkans, would be gravely jeopardized by this amendment. The stabilizing force that NATO represents would be undercut by this amendment, which would effectively curtail U.S. commitment and influence in Europe.

This is an ill-conceived amendment that is not in our national interest. It should be defeated. I urge my colleagues to vote against it.

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

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that I may control the time in support of the amendment.

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

There was no objection.

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

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, in the entire time the United States has spent involved in conflicts around the world, there has never been an instance where our European allies have played as significant a role.

Our role here is among the smallest of any engagement that we have had. We are now in a position where the European forces are the overwhelming part of the military; and they are, not in every instance, not in every account, but shouldering their burden for the first time.

All of us believe in burdensharing. The question is, what is the process for the Congress to speak its will? The idea that we will choose a point in the future where there is an automatic trigger is a somewhat cowardly act. It seems to me, if we want to pull out American forces, pick the date, come to the floor, and do it.

The worst of all worlds is to tell Mr. Milosevic, if he can somehow drive out one or two of our European partners, if he can get them to back off so they fall below 85 percent, 84 percent, wherever that magic number we pick is, that Mr. Milosevic will be able to feel that he

can once again take control of the region.

The Europeans are taking up a broader share of the responsibility than ever. Not just here. They are beginning an initiative that frustrates some of our colleagues to set up a coordinated military operation in Europe, so they can play a fuller role as a partner in engagements.

We are in political season here. There are not many things the Republicans and Democrats end up agreeing on. There is one thing that both the Republican apparent nominee, Mr. Bush, and the Democratic apparent nominee, Mr. GORE, agree on; and that is that this proposal is a bad idea. They offer burdensharing. This administration has done more for getting the Europeans to increase their burden than any administration in the history of this country.

What are we doing in the midst of that? We are going to come out here with some bravado and claim that somehow we are going to force the accountants to do a better job.

Do not undermine what we have done. Reject this amendment.

Mr. SKELTON. Mr. Chairman, I yield 3¼ minutes to the distinguished gentleman from New York (Mr. GILMAN).

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

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

Mr. Chairman, I rise in opposition to this amendment. While I do not object to the intention of the gentleman from Ohio (Mr. KASICH) to ensure adequate burdensharing between our Nation and our European allies for humanitarian and economic reconstruction and related expenses in Kosovo, I do not believe that it is appropriate to link our military mission in Kosovo to that worthy goal.

As the author of H.R. 4053, which does place a cap on our overall foreign assistance to the region of southeastern Europe, including Kosovo, of some 15 percent, I strongly believe that, given the size and scope of other commitments around the world, that our Nation's contribution to the stability in the region where Europe bears the primary responsibility needs to be fair but limited.

What H.R. 4053 does, however, in the event that our European allies fail to do their fair share, is to reduce our relevant foreign aid in subsequent years.

I believe that this is the appropriate way to leverage European contributions in the Balkans. I am concerned that by linking the issue of sharing the foreign aid burden in Kosovo to our military mission, we raise serious questions with regard to the reliability of American commitment, the quality of our leadership, and our belief in the continued value of the trans-Atlantic relationship.

We need to be mindful, my colleagues, that these kinds of debate, as healthy as they may be for educating ourselves and our constituents, do not take place in any vacuum. Europe is at an important watershed in terms of arrangements for creating its own security and its own defense policy.

We are working extremely hard to influence Europe's debate on its future defense and security policy to make certain that Europe develops increased military capabilities, to avoid discrimination against those members of NATO that are not part of the European Union, and to prevent any decoupling of our European allies from North America.

There are forces in Europe that would like to see America's role and influence weakened. Let us not let this amendment play into the hands of those forces that want to decouple the United States from our historic role in the trans-Atlantic relationship.

I am also concerned that the timetable created by this amendment requiring a key foreign policy decision by the next administration so early in the tenure would be an unfair burden on our new President, whether he be Republican or Democrat. In the event the President was unable to make this certification on burdensharing required by this amendment or to justify an exercise of the waivers it provides, he would have to begin a withdrawal of U.S. forces from Kosovo almost as soon as he took his hand off the inaugural Bible.

Our friends in Europe have received the message, thanks to debates on measures similar to this that have already occurred in the Congress. And Europe is doing more in terms of shouldering the burden in Kosovo. Let us not saddle this important appropriations legislation with this kind of an untimely provision.

Accordingly, I urge my colleagues to defeat this amendment.

□ 1400

Mr. SHAYS. Mr. Chairman, I yield 4¼ minutes to the gentleman from Massachusetts (Mr. FRANK), a chief cosponsor of this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I am sorry that my friend from Connecticut, the ranking member of the Committee on International Relations was unfortunately called off the floor because I am going to express my strong disagreement with him, and he is one of my closest friends in this institution. Indeed, he and I share a common ethnic heritage. It is an ethnic heritage which has an affinity for certain foods. So I would not have been surprised to have my friend from Connecticut down here talking about pickled herring or schmaltz herring, but when he comes down here with a red herring, I am a little bit disappointed.

Certainly the suggestion that this is a means of getting us out of Kosovo is the reddest of red herrings. I only hope he will never serve it to me when we dine together.

This is not an effort to get us out of Kosovo. Some Members want us to do that. But that is not what this is. Indeed people who simultaneously tell us that they have great faith in our allies and also that they do not want to go out of Kosovo must not be talking about this amendment.

Here is what this amendment says on page 3. Our European allies have to put up 50 percent of what they said for reconstruction, 85 percent of what they have pledged for humanitarian assistance, 85 percent of their pledges, and this is just for this year and next year, and 90 percent for police. In other words, this amendment will have no effect if our European allies put up 50 to 90 percent of what they pledge.

Now, my friend from Connecticut said, well, they have been doing most of the lifting here. I guess I must have been under a misapprehension when I saw all those planes flying in Kosovo and bombing Serbia. I could have sworn they were American planes. But my eyesight is not what it has been. Maybe they were Belgian planes, maybe they were Italian and Portuguese and Norwegian planes. It is hard to tell from very far away. But my impression was that it was the United States taxpayer and the United States Defense Department that carried most of the burden of that air war.

We are not suggesting that they do that in our stead. We do not think they can do that. We are saying once that combat phase is over and we are in the policing phase and the peacekeeping phase, Europe ought to do it.

Now, the United States is alone in South Korea with no European help. That is appropriate. The United States carries the burden in the Middle East. Does Europe not ever get the primary responsibility anywhere? This is, after all, Europe.

Now, my friends say, oh, but they are doing this, they are doing this because you have already raised it. Well, yes, every time we raise an issue about burdensharing, the establishment, the Defense Department, the State Department, and I agree, it is nonpartisan. My friend from Connecticut said it, Bush said it and GORE said it, that is true. And Albright says it and Cohen says it and Kissinger said it and Weinberger said it. They all say it. Once you become a very important foreign policy person, with this comes the obligation to absolve our European allies of any financial responsibility. I think it is right there in your council on foreign relations membership card. But it is wrong, because we have been proven right. Every time we have come forward with a burdensharing argument, they have predicted terrible consequences. And then afterwards they take credit for the favorable consequences that resulted from our raising the argument.

The answer here is a very simple one. Europe lives up to a substantial percentage of the commitments it made. Our European allies jointly have a population and an economy larger than ours. We are not asking them to take

our difficult combat operations here. We are not asking them to duplicate American air and sea power. We are not withdrawing the 6th Fleet. We are saying that in the continent of Europe where you have such an interest as well as us, we will do the things that you cannot do, that we can only do, the combat, but you can do the policing.

Members here have said again and again on both sides, we have overstrained our military, they are overcommitted. What we are saying is instead of sending Americans to do peacekeeping 4,000 miles, let us ask Germans, Italians, French and others to go a few hundred miles. Let us have them do what they can do. That is what this amendment calls for.

If Members believe that the allies are going to live up to what they said they were going to do, if indeed they believe they are going to live up to between 80 and 90 percent of what they said they can do, they can safely vote for this amendment because it will then have no negative effect. Everything will work out as it should.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in strong opposition to the amendment offered by our colleagues which seeks to set conditions on our peacekeeping mission in Kosovo that will only threaten the future of peace and stability that we have worked so hard to achieve.

The fact is, Mr. Chairman, we have much to be encouraged by in the changes that have taken place in Kosovo over the past year since the NATO air campaign commenced. But we also face much uncertainty in Kosovo and whether its future will be colored by peace, stability and economic growth or instability and continued hostility from the Milosevic regime to the north.

I am convinced that Kosovo will be doomed to continued hostility from the Milosevic regime if the United States and the international community turns its back on Kosovo at this delicate stage. Unfortunately, this amendment sends a troubling signal. The implication is that instead of following through from our successful military action to helping build peace and stability, we are contemplating a pullout. I can assure my colleagues that the principal beneficiary of this policy will be Serbian strongman Slobodan Milosevic, not the people of Kosovo and not the cause of peace.

Texas Governor George Bush, Senator JOHN MCCAIN, Defense Secretary William Cohen and General Wesley Clark, the former NATO commander in Europe, have all expressed their opposition to efforts in Congress to force our withdrawal from the peacekeeping effort in Kosovo. While many legitimately question the administration's past handling of the Kosovo issue, all of these distinguished leaders view our deployment in Kosovo as an indication of America's commitment to peace in this troubled region, a commitment that should not be compromised and should not be weakened.

I urge my colleagues to heed this clearheaded thinking and oppose this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

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

Mr. SISISKY. Mr. Chairman, I rise today in opposition to the Kasich amendment. Legislating a date certain for the withdrawal of U.S. ground forces, I believe, is the worst action we as a body could do to further the goal of achieving peace and stability in the region. I for one am especially sensitive to the need for all of our allies to assume a larger share of the costs and risks for the conduct of military operations and efforts to secure a more stable international environment.

There is no question about it, NATO should do more. They have heard me and many of my colleagues here express our sentiments on this matter at every NATO forum we have participated in, and we are doing much better. Look at the current facts on NATO and allied participation. NATO and our allies are currently providing the lion's share of the military forces and funding for reconstruction efforts. I am also convinced that the Congress, in its oversight role, should continue to press NATO and our allies to do more, but we must exercise the responsibility in a responsible manner. The amendment simply does not measure up to that standard. Can you imagine the reaction to this date certain amendment in Belgrade, Montenegro, Macedonia and Albania?

No matter what is said and done, at the end of the day, we cannot afford to allow our concern about the participation of other countries harm U.S. security interests.

I think General Wes Clark had it about right in responding to a similar amendment offered in the other body. He said:

> In all of our activities in NATO, the appropriate distribution of burdens and risks remains a longstanding and legitimate issue among nations. Increased European burden sharing is an imperative in Europe as well as in the United States. European nations are endeavoring to meet this challenge in Kosovo, and in the whole KFOR and UNMIK constitute a burden sharing success story, even as we encourage the Europeans to do even more. The United States must continue to act in our own best interest.

This amendment should be defeated and I urge my colleagues to vote against it.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CONDIT), the chief sponsor of this amendment.

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

Mr. CONDIT. Mr. Chairman, I rise today in support of the amendment. As has been indicated, this amendment is not about whether or not the United States will do the heavy carrying or carry the heavy load. We are willing to do that. We have said that we will do that. What this is about is asking our allies to keep their promise for money and manpower.

Now, I do not believe our allies have kept their commitment on any of the promises that they have made and I am a bit surprised to come to the floor and learn that Members would not be supportive of requiring our allies to meet their commitment. It is pretty simple. We are honoring our commitment with our tax dollars, and more precious than that, we are honoring our commitment with our men and women who serve in the military. It seems to me, at a minimum, we could ask our allies to honor their commitment which kind of makes me suspicious if we ever really intended on them keeping their commitment if we are not willing to take some action to see that they do.

Let me also say that there are broader implications for me and a lot of people in this House over this kind of issue, whether or not we are willing to put the hammer down on our allies and our partners when we make agreements. In a few weeks we will be taking up PNTR where we will be asked to look at an agreement with China. Now, what kind of message are we sending to the people who negotiate that agreement if we are not willing at some point to put the hammer down to our allies and to our partners who do not honor the agreements they make with us?

I think that we are doing the right thing today in saying that we are going to take some kind of action or we are not going to participate with you as an ally or as a partner if you are not willing to honor your agreement. The American people are suspicious when we go into these kind of agreements that we are going to shoulder the full load and that is usually what happens.

I would ask all of my colleagues today to support this amendment. I think that we are willing to shoulder the big burden here, but we want our partners to do the same.

Mr. Chairman, I rise in strong support of this amendment and I do so for one very compelling reason. We need to send a strong and clear message today to our European allies. That message is this: Keep your word. Our commitment depends on you keeping your word.

You've heard over and over again what this amendment does. Very frankly, this is a simple tool to make our European allies honor their word. We have consistently met our obligations—even exceeded them.

What this all comes down to is this. Our allies made lots or promises to help rebuild Kosovo and conduct peacekeeping operations. They promised money and manpower. But Mr. Chairman, mostly these have been a lot of hollow promises. The truth of the matter is, they have failed to live up to their word.

In the next week or so this House will take up China PNTR. I would ask my colleagues—those who fancy themselves as internationalists and free traders how they expect the

American people to take us seriously on the China question when they can't take us seriously in the Balkans? Why should we expect the Chinese—or anyone else for that matter—to honor their word if our European allies mark this precedent so loudly?

Mr. Chairman, we are great at making speeches and making promises. But when it comes time to keep our words and expect our friends and allies to keep theirs, we get squishy and start going back and forth. And, we make excuses.

What kind of message do we send to the world when we hold open our check book in Kosovo and say, ''It's okay. We'll cover the tab.'' But even more importantly, what kind of message do we send to the American people when we say, ''It's okay for your sons and daughters to go to Kosovo while we keep our commitments, but our European friends don't have to keep theirs?''

We have bent over backwards in the Balkans. We have shouldered the burden and we've footed the bill. It's time for our allies to step up and meet their responsibilities.

Our allies—our friends in Europe—ought to ante up and pay their fair share. I remind you, we are only asking them to pay what they promised in the first place. We are asking them to keep their word.

We realize very clearly that our NATO allies—Germany and France in particular—have different fiscal years and different budget processes. We purposefully extended the deadline until April 1, 2001 to give them even more time to make a good faith down payment. That's all we're asking for—a good faith down payment.

If the next President doesn't certify these good faith benchmarks have been met, this amendment requires us to withdraw our troops. It also permits the next President to waive the withdrawal requirement for 180 days for national security reasons.

I challenge my friends on both sides of the aisle, support this amendment. It is a bipartisan common sense approach.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Chairman, I rise in very strong opposition to this amendment. I think this amendment would be counterproductive. If we have an argument with our allies, we should sit down with our NATO partners and negotiate directly with them. But to come to the floor of the House of Representatives and try to set a date certain on this matter to me is foolish and counterproductive. I also think it is a very dangerous precedent. We are there in Kosovo and in Yugoslavia because we feel it is in our national interest to be there. And we have conducted ourselves appropriately. We have worked with NATO for stability in Europe, a very major goal, and now to say that if these European countries by a certain date do not do something, we are going to pull out and do it from the Congress is undermining the ability of the commander in chief. We only can have one President at a time. I strongly oppose this amendment and urge its overwhelming defeat.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the full committee .

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

Mr. SPENCE. Mr. Chairman, I rise in support of this amendment. That might surprise some people. In the past I have opposed these types of amendments but I have worked with the sponsors of this amendment this time to the extent that they changed it, and I can support it.

I will tell my colleagues why. For years, I have been critical of the administration's use of our ground troops to keep the peace in the Balkans. The administration has failed to make a persuasive case that our involvement in Bosnia and Kosovo is in our national interest or vital national interest. On the list of real threats to this country, and our national security, these countries are not near the top of the list. We cannot today properly defend against the real threats that we have facing us in places like Korea and the Persian Gulf. With no strategic rationale and no strategy for a timely withdrawal, our continued deployment in Bosnia and Kosovo has led to a significant and troubling decline in our overall military readiness.

□ 1415

With all these deployments, we are wearing out our people and our equipment. Three people are doing the work of five. We just do not have the people to do it.

Finally, I want to say I agree with the sponsors of this resolution that the Europeans need to do more to bolster the fragile peace that occurs in Kosovo. Our country led, not only led, but for the most part carried the war effort one year ago in Kosovo. The air war was mainly our war. They could not even participate. They did not have the technology to do it. So we expended a lot of our assets in doing that.

Now our European allies should shoulder the burden of keeping the peace that we won for them. Unfortunately, they have not done it. Some of our allies have not provided what they need to, and we call on them to do it.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, I rise today in opposition to this amendment. I object to this amendment for a number of reasons, but, in the interest of time, I will address just one key point.

United States national security policy should not be dictated by the actions or inactions of our allies or other countries. I am very aware that there is a need to have our European allies assume a larger role in securing peace in Kosovo. However, this amendment places us in the situation of pursuing our national security interests literally by default.

This Easter, several of my colleagues and I visited with the soldiers in Kosovo. This was my second visit to the region and my second opportunity to talk with our service members about this difficult mission. Each of the soldiers I spoke with felt our participation was critical to reducing the instability and violence of the Balkans.

This amendment would undermine our ability to affect the future of the Balkans, and, more importantly, it would affect our ability to influence any future conflicts. I strongly urge each of my colleagues to vote against this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore (Mr. LAHOOD). Does the gentleman yield for that purpose?

Mr. REYES. Yes.

The CHAIRMAN pro tempore. Does the gentleman first yield back his time for debate?

Mr. TAYLOR of Mississippi. The gentleman yielded his time to me, Mr. Chairman. At that point I made a motion.

The CHAIRMAN pro tempore. The gentleman from Mississippi will have to be recognized on his own. The gentleman from Texas has been recognized for debate only, and may proceed.

Mr. REYES. Mr. Chairman, I yield back my time.

The CHAIRMAN pro tempore. The gentleman yields back his time.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN pro tempore. This is not a debatable question.

The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 216, not voting 14, as follows:

[Roll No. 191]

AYES—204

Abercrombie	Blagojevich	Clayton
Ackerman	Blumenauer	Clement
Allen	Bonior	Clyburn
Andrews	Borski	Condit
Baca	Boswell	Conyers
Baird	Boucher	Costello
Baldwin	Boyd	Coyne
Barcia	Brady (PA)	Cramer
Barrett (WI)	Brown (FL)	Cummings
Becerra	Brown (OH)	Danner
Bentsen	Capps	Davis (FL)
Berkley	Capuano	Davis (IL)
Berman	Cardin	DeFazio
Berry	Carson	DeGette
Bishop	Clay	Delahunt

DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
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
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
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
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
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
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Baldacci
Bilirakis
Campbell
Coburn
Crowley
Doyle
Largent
McIntosh
Radanovich
Rothman
Stupak
Udall (NM)
Wamp
Wise

□ 1438

Messrs. SAXTON, COMBEST, GILCHREST, BRADY of Texas, GREENWOOD, HOEKSTRA, CHAMBLISS, COLLINS, Mrs. CHENOWETH-HAGE and Mrs. MORELLA changed their vote from ''aye'' to ''no.''

Mr. FORD changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from South Carolina (Mr. SPENCE) has 12¼ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 14¾ minutes remaining.

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

PARLIAMENTARY INQUIRY

Mr. KASICH. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman from Ohio will state his parliamentary inquiry.

Mr. KASICH. Mr. Chairman, would it be possible for me to negotiate through the chairman a yield back of all time on this amendment right now and have a vote on this amendment so that the Members can get about I know the important trip they are about to make? I am willing to do that, Mr. Chairman, yield back all of my time, if we could dispense with additional speeches. I think everybody on this floor knows this issue, but it cannot be unilateral. I am prepared to yield back all time at this moment.

The CHAIRMAN pro tempore. Any Member who controls time may yield back at any time.

Mr. SKELTON. Mr. Chairman, I have one remaining speaker. I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

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

Mr. ENGEL. Mr. Chairman, I thank my friend, the gentleman from Missouri (Mr. SKELTON), for yielding me this time.

Mr. Chairman, I very, very strongly oppose this amendment. I think this sends the absolute wrong message and is really the height of the wrong way we ought to go.

I chair the Albanian Issues Caucus. I have put a lot of time and effort into the situation in Kosovo. Let me say something. What we have done in Kosovo is working. It is working. We have saved lives.

It is true that the Europeans ought to be doing more but this will have the exact opposite effect. Secretary of Defense Bill Cohen says this is counterproductive to peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies.

Joe Lockhart, the White House Press Secretary, says this is the wrong message being sent at the wrong time, and presidential candidate George Bush says this is wrong and it is legislative overreach.

A letter from General Wesley Clark says these measures, if adopted, would be seen as a de facto pull-out by the United States.

We ought to be proud of the role we have played in saving the lives of hundreds of thousands of people and the United States ought not to cut and run. We are the leaders of the world and the leaders of the free world. No one gave us that mantle. We took it and we ought to follow it through. It is working.

People have gone to Kosovo. There are going to be bumps and grinds in the road but essentially what we have done is working. We cannot pull out. We need to work with our European allies, not cut and run.

This is not what America should be doing. We cannot go back to the days of isolationism. There are people that never wanted to be in Kosovo in the first place.

I am proud of the role that this administration played and that the American people played in saving the lives of so many people. So I just want to say that a bipartisan no vote ought to be here and we ought to very, very strongly reject this amendment. We have saved the lives of thousands of people. Let us continue the job.

MAY 11, 2000.

Thank you for your letter of 10 May and the opportunity to provide my personal views on the amendment adopted by the Senate Appropriations Committee governing the future of U.S. troops in Kosovo.

While I support efforts of the Congress and the Administration to encourage our allies to fulfill their commitments to the United Nations mission in Kosovo, I am opposed to the specific measures called for in the amendment. These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension,

fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.

Regional stability and peace in the Balkans are very important interests of the United States. Our allies are already providing over 85 percent of the military forces and the funding for reconstruction efforts. US leadership in Kosovo, exercised through the Supreme Allied Commander, Europe, as well as our diplomatic offices, is a bargain. It is an effective 6:1 ratio of diplomatic throwweight to our investment. We cannot do significantly less. Our allies would see this as a unilateral, adverse move that splits fifty years of shared burdens, shared risks, and shared benefits in NATO.

This action will also undermine specific plans and commitments made within the Alliance. At the time that US military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and all parallel diplomatic efforts.

All over Europe, nations are looking to the United States. We are their inspiration, their model, and their hope for the future. Small nations, weary of oppression, ravaged by a century of war, looking to the future, look to us. The promise of NATO enlargement, led by the United States, is the promise of the expansion of the sphere of peace and stability from Western Europe eastward. This powerful, stabilizing force would be undercut by this legislation, which would be perceived to significantly curtail US commitment and influence in Europe.

Setting a specific deadline for US pull-out would signal to the Albanians the limits of the international security guarantees providing for their protection. This, in turn, would give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. The more radical elements of the Albanian population in Kosovo would be encouraged to increase the level of violence directed against the Serb minority, thereby increasing instability was well as placing US forces on the ground at increased risk. Mr. Milosevic, in anticipation of the pullout and ultimate breakup of KFOR, would likely encourage civil disturbances and authorize the increased infiltration of para-military forces to raise the level of violence. He would also take other actions aimed at preparing the way for Serbian military and police reoccupation of the province.

Our servicemen and women, and their families, have made great sacrifices in bringing peace and stability to the Balkans. This amendment introduces uncertainty in the planning and funding of the Kosovo mission. This uncertainty will undermine our service members' confidence in our resolve and may call into question the sacrifices we have asked of them and their families. A US withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield.

In all of our activities in NATO, the appropriate distribution of burdens and risk remains a longstanding and legitimate issue among the nations. Increased European burden sharing is an imperative in Europe as well as the United States. European nations are endeavoring to meet this challenge in Kosovo, and in the whole KFOR and UNMIK constitute a burdensharing success story, even as we encourage Europeans to do even more. The United States must continue to act in our own best interests. This legislation, if enacted, would see its worthy intent generating consequences adverse to some of our most fundamental security interests.

Thank you again for your support of our servicemen and women.

Very respectfully,

WESLEY K. CLARK,
General, U.S. Army.

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

□ 1445

Mr. KASICH. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, the Members may not have heard all this debate, but we have heard that we deployed into Kosovo. We have been told that we are in Kosovo. We have talked about we are withdrawing from Kosovo. The simple truth is that none of us went into Kosovo. None of us are in Kosovo. None of us will come out of Kosovo. It is the men and women of our military.

Yesterday I talked to four of them. I talked to a Major who has been deployed five times in the last 10 years. Ten years ago he had two people directly under him. Today they are his supervisors. I talked to a young man at the University of Alabama who deployed in May, came back in February, lost a year and a half of school.

That is what we are talking about. We are talking about the men and women of our military. It is a simple question: Do we make our European allies shoulder the burden, or do we make our own troops continue to shoulder the European burden?

Mr. KUCINICH. Mr. Chairman, I am in favor of this amendment. This amendment requires the President to submit a report to Congress confirming European obligations in Kosovo. If, before April 1, 2001 a report is not submitted, then the amendment would prohibit funding for further deployment of US ground troops.

This amendment is a common sense amendment. It does not withhold funding for maintaining our troops that are there currently. It is flexible because it gives the President room to waive this requirement for up to 180 days. And it provides the President time to certify that our allies are meeting up to their financial commitments.

Mr. Chairman, the current situation in the Balkans is grim and unpromising.

Ethnic cleansing is still taking place. More than a year later we are witnessing reversed ethnic cleansing of Serbs and Gypsies by Albanians. Since June of last year, more than 240,000 Serbs, Roma and Muslim Slav Gurani have fled the province of Kosovo.

Human rights abuses are rampant. An Amnesty International report issued in February concluded that after six months of peacekeeping efforts in the region that ''human rights abuses and crimes continue to be committed at an alarming rate, particularly against members of minority communities.'' It goes on to say that UN police and KFOR troops have been ''unable to prevent violent attacks, including human rights abuses, often motivated by a desire of retribution, against non-Albanians.'' Many refugees are forced to live in nearby enclaves under heavy NATO protection.

The UN's goals of maintaining a multi-ethnic, peaceful Kosovo has failed. For example, an attempt to reintegrate Serb and Kosovar children in school in the village of Plementina recently failed. In response, the UN Kosovo Mission (UNMIK) decided to build a separate school several kilometers away for security reasons. These failures have forced the head of the UN Kosovo Mission Bernard Kouchner to concede that ''the most one can hope for is that they [Serbs and Albanians] can live side-by-side.'' So, it would seem that UNMIK's mission in Kosovo has drastically changed from maintaining a multi-ethnic society to one that must learn to co-exist side-by-side, but not together. Indeed, that is not even a representative picture.

Moreover, I am concerned that continued peacekeeping operations may actually facilitate an escalation in violence in the region. It is my understanding that part of the mission of KFOR is not only to ''keep the peace'' in the region, but to also train local residents into a civilian police force. My concern is that UN troops are legitimizing and institutionalizing extremist or radical elements of society there by training them to be a police force. If that's true, then our forces and our funds are propping up extremist elements in Kosovo and consolidating their power.

Despite European cooperation, the United States continues to bare the majority of the financial burden in the region, and we have really nothing to show for it. Congress needs to know that our NATO allies are meeting their financial obligations. Congress needs to know that US and European taxpayer dollars are being spent proportionately. Congress needs to know that our allies will provide their share of the cost of the peacekeeping mission in Kosovo. This amendment does this by prompting the President to report back to Congress on our allies commitments.

I urge my colleagues to vote in favor of this bipartisan amendment.

Mr. CROWLEY. Mr. Chairman, I am opposed to the Kasich, Condit, Shays, Frank, Bachus, DeFazio amendment to withdraw our troops from Kosovo before the completion of their vital mission in the Balkans.

The U.S. has committed a great deal of men, material and money to Kosovo and the Balkans region. Now is not the time to limit our activities. We must see it through.

I think it is very dangerous to tie the President's hands in the region when U.S. troops are on the ground and so much has been invested in the future of the region. This isn't a budget issue. It's a national security issue and must be viewed as such.

I agree with the proponents of the amendment that we must pressure our European allies to pay their fair share in Kosovo and the region. I think most of my colleagues would agree as well. But, I can't in good conscience allow the President to be prevented from doing what he feels is in the vital interests of the U.S. Especially when a new President will inherit the current situation in Kosovo next year and be forced to deal with this amendment if it passes here today. That is why George W. Bush joined with the Clinton Administration in opposing this amendment.

We must not link U.S. national security priorities with the perceived inaction of our allies. We all want to ensure our European allies to pay their fair share, but this is not the way to do it—diplomacy is.

No matter how you dress it up, this amendment could force the withdrawal of American troops from Kosovo. What kind of message does that send to our allies and enemies and most of all our troops? It sends the message that if you wait out the United States, we'll give up and go home. This message is irresponsible and dangerous.

Mr. Chairman, once again, this is a national security issue. We can not allow concerns over burdensharing to cloud our judgment on this issue. Yes, the Europeans must pay their fair share. Yes, the U.S. is often in a position where we must pay more than our fair share. And yes, I want our European allies to live up to their commitments. But, I will not sacrifice our security to do it.

I urge my colleagues to oppose this shortsighted amendment.

Mrs. FOWLER. Mr. Chairman, I rise in strong support of the Kasich amendment.

This amendment would simply require the President to hold our European allies to their past burdensharing commitments regarding Kosovo.

It would require the President to certify to Congress that the Europeans have delivered on at least a part of their commitments concerning humanitarian aid, redevelopment assistance, and law enforcement support for Kosovo.

Specifically, it would require them to provide at least fifty percent of the reconstruction aid, 85 percent of the humanitarian aid, and 85 percent of Kosovo Consolidated Budget support to which they have already committed. It would also require that they meet at least 90 percent of their commitments regarding United Nations international police force personnel for Kosovo.

If the President does not make this certification by next April 1, funding for U.S. ground forces in Kosovo would be terminated. The President would be able to pursue two 90-day waivers of this certification requirement if hostilities were underway or imminent.

Last summer I led a Congressional delegation to Kosovo at the request of Speaker HASTERT. We arrived the morning after the massacre of 14 ethnic Serb farmers in the village of Gracko. We saw clear evidence of intercommunal violence. We saw firsthand how U.S. troops had been pressed into service, performing every mission from law enforcement to utilities repair to municipal management.

As outstanding as our troops are, they are not trained for these missions. They are not trained to investigate or fight organized crime. They are not trained to restore telephone systems or power grids. They are not trained to operate prisons or administer justice.

These tasks were supposed to be performed by the United Nations Interim Administration Mission in Kosovo (UNMIK), pursuant to a Security Council resolution. Unfortunately, UNMIK is not able, even today, to perform many of these missions.

That is why I support the Kasich amendment. During the air campaign last year, the United States flew some sixty percent of the missions, including most of the riskiest.

Now it is time for the Europeans, whose interests remain most directly affected by this situation, to do their share.

I urge support for the Kasich amendment.

Mr. BONIOR. Mr. Chairman, to read the amendment before us, it's easy to get the impression that we're being presented with an opportunity to save some dollars. But, in fact, the real effect of this amendment will be to risk human lives.

Let's be clear: all of us believe in burden sharing. All of us want our allies to pay their fair share for our mission in the Balkans. That's why I was proud to support burden sharing from the start—and why I support it today.

But we can't allow our frustration with our allies to blind us to the truth. Because the truth is that there's nothing Slobodan Milosevic wants more—nothing that he needs more—than to know a date certain for the withdrawal of U.S. forces.

Ask yourself, what possible incentive would there be for Milosevic to agree to a lasting settlement if he knows that—in less than a year—our armed forces will simply pack their bags and come home?

What incentive is there for Milosevic to end the reign of terror against ethnic Albanians—terror that continues to this day—if this Congress tells him that all he has to do is run out the clock?

Should our allies pay their fair share? Of course they should. That's not the issue. The issue is that our mission in that troubled land is not yet complete. And until it is, measures like the one we're considering are as damaging as they are premature.

I urge my colleagues to vote no on the amendment.

Mr. KASICH. Mr. Chairman, I yield back the balance of my time, and ask that we immediately proceed to a vote.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Mississippi (Mr. TAYLOR). It is not a debatable question.

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 215, not voting 19, as follows:

[Roll No. 192]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
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)
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
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—215

Aderholt
Archer
Armey
Bachus
Baker
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
Collins
Combest
Cook
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
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)

Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
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
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Baldacci
Ballenger
Campbell
Clay
Coburn
Crowley
Doyle
Frost
Largent
Markey
McIntosh
Ney
Pomeroy
Sanford
Scarborough
Slaughter
Stupak
Udall (NM)
Wamp

□ 1503

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD.) The question is on the amendment offered by the gentleman from Ohio (Mr. KASICH).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 264, noes 153, not voting 17, as follows:

[Roll No. 193]

AYES—264

Aderholt
Archer
Armey
Bachus
Baker
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blunt
Boehner
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
DeMint
Deutsch
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
Kleczka
Kucinich
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lee
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Luther
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Woolsey
Wu
Young (AK)
Young (FL)

NOES—153

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Bentsen
Berkley
Berman
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Brady (PA)
Callahan
Capps
Capuano
Cardin
Clay
Clement
Clyburn
Conyers
Coyne
Cramer
Cummings
Davis (FL)
DeGette
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Edwards
Engel
Etheridge
Fattah
Filner
Forbes
Fossella
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Houghton
Hoyer
Hunter
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
Knollenberg
Kolbe
Lampson
Lantos
Larson
Levin
Lewis (CA)
Lewis (GA)
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stump
Tauscher
Taylor (MS)
Thompson (MS)
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wolf
Wynn

NOT VOTING—17

Baldacci
Ballenger
Campbell
Coburn
Crowley
Doyle
Hall (OH)
Herger
LaFalce
Largent
McIntosh
McKinney
Sanford
Stupak
Udall (NM)
Wamp
Wise

□ 1522

Ms. SLAUGHTER changed her vote from ''aye'' to ''no.''

Mr. DAVIS of Illinois changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SUNUNU). It is now in order to consider amendment No. 2 printed in House Report 106–621.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

At the end of subtitle A of title X (page 302, after line 11), insert the following new section:

SEC. 1006. ONE PERCENT REDUCTION IN FUNDING.

The total amount obligated from amounts appropriated pursuant to authorizations of appropriations in this Act may not exceed the amount equal to the sum of such authorizations reduced by one percent. In carrying out reductions required by the preceding sentence, no reduction may be made from amounts appropriated for operation and maintenance or from amounts appropriated for military personnel.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed, the gentleman from Colorado (Mr. HEFLEY), each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is important for Members to understand that in the 2 days in which we will be dealing with this bill we will have spent more than half of the discretionary funds available for expenditure by the Federal Government in the next fiscal year. If we go along with the committee's proposal.

The committee has proposed a very significant increase in the military. It has gone significantly above what the President proposed. And the result will be that, according to the calculations I have gotten from budget people, 51.8 percent of the total money spent on discretionary accounts by the Federal Government this year will be spent on the military.

Now, many of my colleagues will have told their constituents that they would like to do more for prescription drugs for older people. We have older

people in desperate need of help in paying for prescription drugs. Members have told local police departments that they would like to be even more responsive to their needs. We have told, many of us, local educational authorities that we understand their needs for expanded school buildings and we would like to help them. We have told communities affected by environmental problems that we would like to expand the money EPA has so that they could do more to clean up Superfund sites more quickly and to do more to deal with brownfields. But this bill will make a lot of that impossible.

And we ought to establish a standard of honesty for Members. If we vote for the full amount asked for by the Committee on Armed Services today, we should not expect to be able to tell people honestly that we would like to help them but were somehow deprived by someone else of the ability to do it because this will be a self-imposed deprivation.

Now, my amendment is a rather small one. It calls for a 1 percent cut in the authorized level. That would be $3.09 billion. This bill is $4.5 billion over the President's request. On the last amendment many of my Democratic colleagues felt they had to support the President. Well, I hope that carries over. Raising the President's defense budget by $4.5 billion more than he asked for, when that comes at the expense of education and the environment and health care and law enforcement, is not a good way to show support. Even if this amendment passes, the bill will still be a billion and a half more than the President asked for, and the President asked for a significant increase.

Now, the bill exempts personnel and it exempts operation and maintenance and it gives to the Congress, not the White House, the ability to decide how to allocate this. So that is the question before the Members. Are we prepared to increase by $4.5 billion what the President asked for; do we believe that there is apparently no waste in the Pentagon; are we prepared to say that 51.8 percent of the total discretionary spending will go to the military, when that increase that we will be voting for will lessen our chances of providing prescription drugs, will undercut our ability to deal with local law enforcement and will reduce the resources available for housing for the elderly or environmental cleanup?

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

Mr. HEFLEY. Mr. Chairman, I yield myself 2 minutes, and I rise to oppose the amendment.

Mr. Chairman, let me talk about the area of the bill that I know the most about, and that is, as chairman of the Subcommittee on Military Installations and Facilities, I remain concerned about the deteriorating conditions of our military installations, and I am especially concerned about the impact of inadequate facilities and military housing on readiness and retention.

The House Committee on Armed Services has played a bipartisan role in addressing the needs of the military personnel, their families, and has shown a commitment to acquire decent housing, improve child development centers, and other quality of life improvements for those who serve in the Armed Forces. The gentleman from Massachusetts (Mr. FRANK) talks about helping these people. Well, we are trying to help these people.

The amendment would have the practical effect of reducing total defense spending by 1 percent. In carrying out such a reduction, no cuts could be made in operations and maintenance or from the personnel accounts. This would require that a disproportionate amount be taken from the other defense accounts, including military construction and military family housing, thus diminishing the improvements that our service members deserve.

H.R. 4205 contains a number of important provisions affecting these accounts which will help alleviate part of the problems I mentioned previously. Decreasing the MILCON authorization level, a level to which the House Committee on Armed Services unanimously agreed, and a level that complies with the concurrent resolution on the budget, would contribute to the deteriorating conditions for our service members and their families, and signal to them that we as a Congress are uncommitted to addressing the unfunded infrastructure accounts.

□ 1530

Military construction and military family housing continue to receive too little attention in the overall competition for resources. We cannot afford to reduce authorization levels for vital infrastructure programs. This will only accelerate the long-term degradation of quality of life, training, and readiness.

I urge the defeat of this amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. LUTHER), an intellectually consistent budget cutter.

Mr. LUTHER. Mr. Chairman, I rise in strong support of the Frank amendment.

The amendment, as the gentleman from Massachusetts (Mr. FRANK) has pointed out, would reduce funding for next year's defense budget by a very modest one percent, leaving the accounts for operations and maintenance and personnel untouched.

That still leaves us with a total defense spending level of over $300 billion, $1.4 billion more than the President requested, and a massive $20 billion more in defense spending than last year.

To put it in perspective, as the gentleman from Massachusetts (Mr. FRANK) did, this bill currently represents more than half of the discretionary spending for the fiscal year 2001 budget. This is a prime example of misdirected priorities, and I think it is high time that Congress face up to that issue.

We have serious work to do for the American people: providing a prescription drug benefit for seniors, securing Social Security, guaranteeing top quality education for our young people, and paying down the national debt. In light of these needs, we should not be adding in this way to the military budget, especially when it represents old-fashioned thinking in our modern world.

Currently, the Pentagon's strategy is far too focused on big weapons systems, with little value in the ethnic and the nationalistic conflicts we find ourselves in today. So, in addition to consuming resources that we need in society for other purposes, this old way of thinking also robs our military men and women of crucial funds for readiness and training.

Finally, Mr. Chairman, while we have made significant progress on reducing the imbalance in our budget, we must look for every opportunity to reduce our over $5 trillion in national debt. We simply cannot continue to justify spending money in this way.

I urge support for the amendment.

Mr. HEFLEY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, the Members of the House have already voted against the substance of this amendment. We voted almost 3–1 to add $4 billion to the emergency supplemental appropriations bill. That money was in response to a request by the services when we asked them this year, what do they have in unfunded requirements that is not in the President's budget? They gave us a list of $16 billion, including ammunition, spare parts, training, and, in some cases, replacement platforms, aircraft, and other things to fill in areas where the President had not funded the armed services.

In response, we gave $4 billion on the emergency supplemental. We did not get that. The other body would not go along with that. But they did go along with an increase of our top line of $4 billion. This amendment would, basically, gut that and wipe out the will of the House that voted almost 3–1 to give more money to the military.

Now, why did they do it? They did it because defense spending has been in decline for 13 years. We are spending approximately $100 billion less this year on national security than we did in 1985 in real dollars.

Now, some people may say, well, we funded readiness accounts. We funded personnel accounts. Why can we not take money out the modernization accounts.

I think the best reason is the 80 aircraft that have crashed in the last year and a half. For any Member that wants to know the essence of this debate, it is

this list of crashes. These crashes represent almost every type of aircraft, rotary and fixed-wing aircraft, in our inventory: F–16s, F–15s, helicopters, right on down the line.

Some of them crashed because they did not have spare parts. Some of them crashed because we have inexperienced people, we are not getting enough pilots in. Some of them crashed, in my estimation, because of lack of training. Some of them crashed, my colleagues, because they are too old.

And even President Clinton's own Secretary of Defense Bill Perry told us just a few weeks ago we are $10 billion to $15 billion short in procurement accounts, in modernization accounts. Here is a person that put together the blueprint that President Clinton is now operating under, and he is telling us that we are short $15 billion to $20 billion in our accounts. And he is a responsible person. He understands it is largely sparked by the fact that we are having enormous numbers of crashes, lots of operational problems.

The facts are, my colleagues, that we need this money; and we cannot take this large piece of money out of the defense bill without having a major impact on our ability to have a strong national defense.

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

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to commend the gentleman from California (Mr. HUNTER) for his statement.

We are still substantially below where we need to be in modernization. We have got OPTEMPO issues. We have got spare parts problems, real property maintenance.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am sorry my friend the gentleman from Washington (Mr. DICKS) cannot join me in supporting the Clinton administration on this issue, but maybe he will come back on a later one.

The Clinton administration did ask for a significant increase. I think they asked for too much. But I am still prepared only to cut back to even a little bit above what they asked.

Now, I acknowledge that the Department of Defense does not have everything it would like to have. It does not have all of its proposals. Neither does the Department of Health and Human Services. They do not have enough money to pay for prescription drugs for all the people.

Vote against this amendment and then go and tell the elderly people in their district that they cannot do a prescription drug program the way they would like it because we cannot afford it.

Now, I want to help the living conditions of the people in the military. If they would listen to this debate, they might not know that we buy weapons, and not only that we buy weapons, but let me quote here a former presidential candidate, the Senator from Arizona, who talks about all the pork that gets put in. There were weapons in here that no one asked for except the people in whose districts they are made. I am talking about 1 percent of the budget, 1 percent of the $309 billion.

I believe that we could look at a list of projects that were generated by Congress put into this bill that were not requested by any of the services that would amount to this. We just voted an amendment to say that our European allies have to pay more of the joint costs. That provides some savings.

Now, it is true we are spending less on defense than we were. Ten years ago a major event happened. There was the collapse of the Soviet Union, and the major threat to our ability to exist as a free society collapsed.

That does not mean there are not still countries in the world that cause us problems. But they existed before the collapse of the Soviet Union. North Korea did not come into being in 1995. Iran was not invented in 1992. Libya did not spring to Earth in 1993.

Twelve years ago we had the Soviet Union with its nuclear weapons and the Warsaw Pact and all these over threats. I have heard Members say, oh, well, it is much more dangerous now that the Soviet Union has collapsed.

We have, believe it or not, nostalgia for the old days when we were facing a thermonuclear threat amongst some Members because they can use that to justify increased expenditures.

I have more confidence in the members in the authorization and appropriations committees than they have in themselves. I believe if we say, look, they are going to have 99 percent of what they asked for, which includes billions more than they had, the increase in the military budget from last year and this year would pay for a prescription drug program. Not the budget, the increase in the budget.

What we are saying to them is show a little restraint, we will leave to them the authority to pick and choose. Do not cut things that are important to manpower. Cut out some of the projects that they are being asked to pay for because they will provide employment in certain districts.

There is an intellectual double standard here that says, when we are talking about housing, when we are talking about health care, when we are talking about the Environmental Protection Administration, if we catch them misspending money, we will punish them.

In the Pentagon, when we catch them misspending money, we reward them by giving them more.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the committee.

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

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

Mr. Chairman, we have been fighting for a long time to rebuild our military. We have been in a deep hole, and we are trying to dig out of it. This year, for the first time in 15 years, we have got a real increase in the defense budget. And now people want to try to take away part of that.

Reference is made to the Cold War and the fact that the Soviet Union has dissolved now and so we do not have all these threats we had and it will not cost us as much to defend against them.

I would like to remind my colleagues that the world now is more dangerous, in spite of what he says, than it has been during the Cold War. We still have the Cold War threats of intercontinental ballistic missiles with nuclear warheads, but now it is more varied. Instead of just coming from the old Soviet Union, now it comes from Russia, from China, from North Korea, Iraq. And the list goes on. We cannot defend against any of those properly.

In addition, we have new threats, weapons of mass destruction, chemical, biological, bacteriological. We can put these as warheads on shorter range missiles and cruise missiles that we hear so much about. Eighty-one countries have cruise missiles. They can put these as warheads on those devices and they can bring everyone in the world within the range of these types of weapons, our friends, our allies, our troops, and us here at home.

We cannot properly defend against those threats, and here we are trying to cut more than that.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds to say that none of the threats my friend just mentioned, North Korea, China, Iraq, chemical weapons, or biological weapons, date from 1990. They all existed contemporaneously with the Soviet Union.

So it is simply not remotely accurate that we have all these new threats. We used to have all of those and the Soviet Union.

Mr. Chairman, I yield the balance of the time to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the Pentagon cannot even have their books audited to figure out how they are spending their money. Do my colleagues think the days of $1,000 hammers and screwdrivers and bolts are gone? Wrong.

The Pentagon loses ships. They do not know where they are. Yet, they say we cannot restrain spending in this town? They are wrong. Because they have gotten too addicted to Potomac fever.

Those are not my words. Those are the words of the chairman of the Republican Committee on the Budget.

Now, what we are talking about here is good money after bad. We want the strongest defense possible. We want readiness. We want O&M funded. We want our personnel taken care of. But we do not want precious taxpayer dollars wasted. And they are being wasted.

This year financial statements were more untimely than ever, and a record $1.7 trillion of unsupported adjustments were made in preparing these statements. That is the Department of Defense Inspector General Semiannual Report, March 31.

Now, defense contractors, the wonderful patriotic folks that they are, returned $984 million they were paid that they were not owed voluntarily. They were not audited. They did not return it because the Pentagon found out they had paid the bills twice, three times, four times, or whatever. They sent back $1 billion voluntarily. And then we got back another $3.6 billion after some minor audits were conducted.

Now, my colleagues cannot tell me that this is enhancing our defense or our readiness, and they certainly cannot tell me it is cost-effective and a good use of our taxpayers' dollars.

This cut would cause, finally, the bureaucrats and the four-stars down at the Pentagon to begin to pay attention how they spend our tax dollars and to have a more cost-effective and better ready force.

□ 1545

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. BATEMAN).

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

Mr. BATEMAN. Mr. Chairman, I will comment that this debate is about priorities. The priority here is the overriding priority of providing for our national defense which is not only an obligation, it is a constitutional obligation, and this amendment would strike at the heart of our ability to perform that responsibility. O&M accounts, personnel accounts are exempted under this amendment which means that it falls even more heavily on all the other accounts in the Department of Defense and it would be an onerous, intolerable burden and would indeed, even though it does not come under my Readiness subcommittee, be a tremendous detriment to the status of readiness of our military forces. This amendment deserves resounding defeat.

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

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

Mr. HAYES. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in opposition to this amendment. My friends on the left are headed in the wrong direction once again. Without national security, there can be no Social Security. We cannot afford to continue the slide in priorities of national defense.

I will use the balance of my time to call attention to our chairman who has fought tirelessly throughout his career for the men and women who wear our uniform and protect our country. He has fought against the Clinton budget-cutting ax that has tried to decimate our military.

Mr. Chairman, I ask my colleagues to vote against this amendment. Support our national security. Support our chairman for whom the title of this bill is properly dedicated. I rise to thank him for his tireless efforts on behalf of our men and women in uniform.

Mr. Chairman, I rise today in strong support of H.R. 4205, the National Defense Authorization Bill for Fiscal Year 2001. But first and foremost, I would like to recognize our Chairman, the gentleman from South Carolina, Mr. SPENCE, for whom this bill's title is dedicated. No one in this Congress cares more about our men and women in uniform than Mr. SPENCE. He has distinguished himself among his colleagues as a member who leaves politics at the water's edge when faced with issues important to our Armed Services. Chairman SPENCE, we and the millions of Americans who proudly serve our nation in the military are grateful to you.

Mr. Chairman, I would also like to recognize our retiring colleagues on the Committee: Mr. KASICH, Mr. PICKETT, Mr. BATEMAN, Mr. FOWLER and Mr. TALENT. I've enjoyed working with them and certainly wish them well.

For almost a decade now, this nation's defense budgets have continued to fall victim to the Clinton Administration's cutting ax. We have gone from a budget in 1992 that exceeded $300 bullion to a budget that in the mid-90s fell perilously low. This year, the Armed Services Committee has put before this body a bill which reverses the downward and misguided trend in defense spending. We renew our commitment in the form of $310 billion to the men and women who selflessly serve in the defenses of our nation. We have continued this year the good work we began last year in what was called the year of the troop.

Mr. HEFLEY. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. WELDON).

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Pennsylvania (Mr. WELDON) is recognized for 1 minute.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in solid opposition to this amendment. We are in no way, shape or form able to meet the needs of our military. The irony here is that we had President Clinton's former Secretary of Defense Bill Perry come before us in January and tell us that the President's request, the $15 billion above last year, was inadequate and that in his mind it should be more like 10 to $20 billion above the President's request. That is after we put money in each year, bipartisan support, to make those increases occur. Yet Bill Perry still said we were 10 to $20 billion short in what the President requested.

Now, I know some of my colleagues are not happy, but even the proponents of this amendment signed letters to us asking for tens of billions of dollars above what we were willing to give. I have the information here and I am not going to embarrass Members personally, but I can tell you that Members who are supportive of this amendment signed letters to us asking for us to put more money in the defense bill than what the President asked for.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 printed in House Report 106–621.

AMENDMENT NO. 3 OFFERED BY MR. DREIER:

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DREIER:

At the end of title XII (page 338, after line 13), add the following:

SEC. 1205. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking ''180'' and inserting ''60''; and

(2) by adding at the end the following:

''(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from California (Mr. DREIER) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

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

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

Mr. DREIER. Mr. Chairman, national security is the top priority that we have here in Washington, D.C. As I said during the debate on consideration of the rule that made these amendments

in order this morning, there are a wide range of issues that we address and discuss on a regular basis, many of which can be handled at other levels of government. But the security of the United States of America can only be handled by the Federal Government, and that is why I want to make it very clear that our security is my top priority. That is why I am very happy to say that we have worked out in a bipartisan way a very, very important piece of legislation which will allow us to strengthen our security. I would like to begin by commending the very distinguished ranking minority member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), who has joined me as the lead cosponsor of this amendment on the other side of the aisle as well as the gentlewoman from California (Mrs. TAUSCHER), the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and several others.

This is a compromise that has been put together working closely with the gentleman from South Carolina (Mr. SPENCE) the man not only who chairs the committee, but after whom this legislation that we are dealing with here today is named, and I would like to express my great appreciation to him for his stellar leadership and for working with us in putting together this bipartisan compromise, which, as I said, not only includes both sides of the aisle, but also deals with various committees that have been involved in it. It is a very common sense proposal that will establish a 60-day congressional review period when the President raises the threshold for export controls on high speed computers.

The amendment protects our congressional prerogatives. Let me underscore once again, this amendment protects the prerogatives of the United States Congress by ensuring that the review period will not occur when Congress is adjourned sine die. In short, this amendment is a very balanced proposal that is designed to promote sound export controls and the continued global leadership of our Nation's computer industry. As I said, it is very good for our national security.

Let me just say that I happen to believe that as we look at where we are going on this legislation, we have got to deal with our Nation's security, but at the same time, we have to recognize that the computer industry in this country is constantly re-creating itself. It is not just happening in this country, it is happening throughout the rest of the world, they push the technology envelope on a regular basis, and I think that the current export policy regime structure that we have is really out of step with the changes that have taken place with the 6-month current law that does exist. I would like to say that this stems from legislation that the gentlewoman from California (Ms. LOFGREN) and I introduced earlier, and I believe it is very, very important for us to realize that that launched the effort, and now we have worked a compromise which I think can be acceptable all the way around.

I urge support of this amendment.

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

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

I cannot help but express my severe disappointment that this measure, which is inferior to the bill introduced with the gentleman from California (Mr. DREIER) on this subject is the best we can do here on the floor. I must point out that the better bill that the gentleman from California and I introduced won unanimous support in the Committee on International Relations. It provides for a 30-day review, which is the proper time period. Why should computers be subjected to a lengthier time review than tanks and missiles? It is preposterous.

I realize that there are Members of the House, some have called them cold warriors, who disagree. But they are a small minority. If the Committee on Rules had allowed the 30-day bill on the floor, we would have seen a huge bipartisan vote for that amendment for that better approach. The leadership instead offers this weaker remedy, and it is a darn shame that we have lost this opportunity to do fully and completely what the White House and Democratic House leadership has asked for for years, a bill that provides for a 30-day review of computer exports.

Mr. Chairman, our Committee on International Relations whip count indicated we would have had a floor vote of about 300 Members for a 30-day bill, with more Democrats in favor than Republicans. Democrats would have outshined the Republicans on this. That, Mr. Chairman, is why this 60-day bill is the only amendment made in order. The Republican leadership wants to look tech friendly, but here, I believe, they are putting partisanship ahead of good policy. I agree that the current export policy is wrongheaded. It means that children's toys, for example, the Sony Playstation 2 that was categorized as a supercomputer cannot be exported for half a year while we update our technology policy in the export arena. The current policy is disastrous. This amendment that is before us is, in fact, an improvement over current policy, but it is far short of what we could have done. I am greatly disappointed. I hope that in the end we can somehow rescue the 30-day provision.

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

Mr. DREIER. Mr. Chairman, I am very happy to yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER), coauthor of the amendment.

Mrs. TAUSCHER. Mr. Chairman, I rise in support of the Dreier-Skelton-Gilman-Tauscher amendment to the defense authorization bill. Current U.S. export controls on supercomputers are Cold War leftovers that are irrelevant to today's global marketplace. Namely, they do not account for the rapid development of widely available technology.

On February 1, President Clinton proposed new controls to reflect modern technology. But that proposal will not take effect until August because of a lengthy 180-day congressional review process. The problem is that modern technology in August is not necessarily what modern technology was in February.

Today we should limit the congressional review period to 30 days, which would be in line with our export controls on tanks and other military technologies. I submitted an amendment to that effect on Monday. I regret that the Committee on Rules ruled against my amendment, and for this 60-day review period. Congress simply does not need 2 months to review technology that is ubiquitous and is being exported by other nations.

When we apply antiquated controls to a fast-paced, evolving market, we hurt American businesses with no added advantage to national security. While a 30-day review period is the right policy, I urge my colleagues to support this 60-day review period held in the Dreier-Skelton-Gilman-Tauscher amendment because it is better policy than the current law.

Mr. DREIER. Mr. Chairman, let me once again thank the gentlewoman from California (Mrs. TAUSCHER) for her cosponsorship of this amendment and to say that it is very helpful. Again this is a package that has been put together with both the Republican leadership and many Democrats included in this.

Mr. Chairman, I am happy to yield 2 minutes to the gentleman from the show-me State, (Mr. SKELTON), distinguished ranking minority member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I am proud to be a cosponsor with the gentleman from California (Mr. DREIER), the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from New York (Mr. GILMAN) to reduce the notification period for changes in the definition of supercomputers. Modern computing was born in the United States of America. The technology leaders in the field are among the firms most strongly driving our economy today.

We may all be familiar with Moore's law which states that the amount of computing power available at a given price doubles every 18 months. Today, though, before the government can legally recognize any advancement in computing power, it must wait for 180 legislative days. That is 6 of those 18 months. In 6 months, foreign competitors can leap ahead of our technology. In 6 month, buyers can be attracted to other products. In 6 months, companies restrained from filling already closed deals can find themselves in great financial difficulty.

Even worse, we all know that a legislative day is not a day in any conventional sense of the term. It can be as long or as short as we wish. We can perform the miracle Joshua described, to stop the sun in the sky. While that may be useful for legislation, it can stretch the waiting period far beyond the 6 calendar months that can already be so difficult for America's companies, and do so beyond the capacity of any seer to predict.

This amendment recognizes the reality of technology. I would note also that this amendment does not reduce the time available for approval of particular export transactions. All of those controls remain in place.

□ 1600

I hope that all of my colleagues will join us in recognizing the unique pace of technology development endorsing the rationality and predictability in government regulations.

Ms. LOFGREN. Mr. Chairman, I yield 4¼ minutes to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise in strong support of the Dreier-Gilman-Skelton-Tauscher amendment providing for a 60-day Congressional review period for any decision by the administration to modify control levels for high performance computers exported to certain countries and markets.

While I would prefer to shorten the current review period of 180 days to 30 days to enable U.S. industry to respond quickly to rapid changes in the speed and technology of computer chips and microprocessors, I am in support of this bipartisan proposal.

In my view, this measure carefully balances the need for Congressional oversight of our export control policy with the need to make certain we do not put unnecessary roadblocks in the way of our computer industry, which faces increasingly stiff competition in markets throughout Europe and Asia.

This amendment in no way alters the current licensing policy regarding these high performance computers and the Department of Commerce's ongoing post-shipment verifications on the use of these computers in countries of concern, including China and India. It does, however, ensure that the administration is going to provide Congress with an adequate review period for any proposed changes in computer performance thresholds by requiring that it not include a Congressional sine die adjournment.

By way of background on this issue, I point out to my colleagues that there are widely divergent computer export controls that are now in place designed to balance foreign availability with national security concerns. The two factors determining whether an export license is required for a high performance computer are its country of destination and the number of MTOPS, million theoretical operations per second.

As of January of this year, the Department of Commerce has broke broken down these countries into four separate tiers, with each tier having its own separate licensing requirement.

The first tier includes Western Europe, Japan and Australia, Mexico and Canada, where no individual validated license is required for any computer exports.

The second tier includes the countries of South and Central America, as well as a number of Asian countries, where an individual validated license is required for the export of a computer above 20,000 MTOPS.

The third tier includes India, Pakistan, China, Russia, and the countries of the Middle East, where exports are permitted without an individual validated license for computers up to 6,500 MTOPS, but sufficient licenses are required for exports for military uses above this threshold level and for all other exports of computers having a speed of 12,300 MTOPS or higher.

Tier 4 countries include Iran, Iraq, Libya, North Korea, Cuba, Sudan and Syria, where virtually no computer exports are allowed.

The National Defense Authorization Act for Fiscal Year 1998 required exporters to notify the Commerce Department of a proposed export or reexport of a computer to a Tier 3 country with a speed of 2,000 MTOPS or higher, subsequently increased to 6,500 MTOPS, and authorized our President to raise this threshold level for these countries, but stipulated that it should not go into effect until 180 days after the President justifies the new policy in a written report to the Congress.

With computer product life cycles now averaging 3 months or less, a requirement that our computer companies must wait 6 months before exporting widely available high performance computers is both unrealistic and unwarranted. This amendment before us simply shortens the review period to 60 days while preserving Congressional prerogatives and making no changes in our current export control regulations. Accordingly, I urge our colleagues to fully support the adoption of this measure.

Mr. DREIER. Mr. Chairman, let me express my appreciation to the chairman of the Committee on International Relations for his coauthorship of the amendment and his very thoughtful statement.

Mr. Chairman, I am very happy to yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the distinguished chairman of the Committee on Armed Services and the man for whom this very important defense authorization act is named.

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

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

Mr. Chairman, I rise in support of this amendment. I appreciate, I want everyone to know, the willingness of the chairman of the Committee on Rules to work with me in trying to find a legislative outcome that would ensure our national security is not compromised by the export of high performance computers to dangerous entities in countries of proliferation concern. I believe that this amendment, which would reduce the current waiting period for certain computer exports to those countries from 180 days to 60 days, excluding the period of time when the Congress has adjourned sine die, is an acceptable compromise.

Personally, I would have preferred a longer time frame for review in order to allow Congress an opportunity to more fully debate and review significant changes that the administration may propose in the level of computing capability that may be exported to certain users without government knowledge, especially during periods when Congress is not in session.

Those of us who have expressed national security concerns about the liberalization of export control policies under this administration recognize that technology is rapidly advancing. The underlying legislation this amendment would change also recognizes this fact by allowing the administration to make such adjustments in the level of computing power that can be exported without government review.

Nevertheless, I believe this amendment strikes an appropriate balance between commercial concerns and national security requirements. Because of this, Mr. Chairman, I support the amendment.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in support of this amendment, but also express some regret that we did not have the opportunity to have this body act on an amendment which I think would have even been more in tune with the realities we are seeing in today's Information Age. When we look at the fact that we allow many sensitive weapons, such as tanks, high performance aircraft and missiles, to be exported from the United States with only a 30-day waiting period, it seems somewhat irresponsible and inappropriate that we would not apply that same standard to the exportation of high performance computers and technology.

We are here today because we are recognizing that we are advancing from an industrial-based economy to one that is based on information, and the forces in an information-based economy are speed, whether it is the speed of commerce, the speed of innovation, the speed of communication, and we ought to be advancing regulations that are consistent with our transformation into an information-based economy, and a 30-day review period is more than adequate to allow us to ensure that we

are not jeopardizing national security, and, at the same time, ensuring that we are not impeding the ability of our economy, which is committed to the technology sector to maximize their economic opportunities internationally.

We have had some evidence where companies have been thwarted in their ability to make sales of computers. Just last fall Apple Computers developed a single processor that exceeded the export control limits, and were precluded from marketing this product in over 50 countries.

We need to ensure that we do not have U.S. workers sacrificing market opportunities because we have a regulation on the books that is not in tune with the realities of this information-based economy in which we now find ourselves.

I rise in support of this amendment. I hope as we continue this process though that we can hopefully get back to looking at the legislation that my good friends the gentleman from California (Mr. DREIER) and the gentlewoman from California (Ms. LOFGREN) would have introduced that would have only required a 30-day period.

Mr. DREIER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services, who would like to make an announcement.

Mr. SPENCE. Mr. Chairman, pursuant to section 5 of House Resolution 503, I announce to the House we will proceed with consideration of amendments printed in the report on the rule in the following revised order: Amendment No. 4; No. 20; No. 13; Nos. 5 through 9; Nos. 11 and 12; Nos. 14 through 19; Nos. 21 through 26; Nos. 28 through 35; No. 10; and No. 27.

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

Mr. Chairman, let me just say that I appreciate the very thoughtful remarks of the gentleman from California (Mr. DOOLEY) in support of the legislation that I and the gentlewoman from California (Ms. LOFGREN) introduced. Obviously I am a proponent of that 30-day period.

The fact of the matter is it was necessary for us to put together a compromise, because obviously the 6-month period with which we have had to deal over the past several years has been inadequate, and the most recent experience we had actually delayed from July 23 of last year until January 23 of this year the ability to increase the MTOPS level, and we tried then to move for some kind of movement. Quite frankly, it took the administration quite a while, because it was nearly 5 months before that July 23 letter that the President sent that we made the request of him to move for a lifting of the export control level.

So now we have come up with a compromise, which I believe is a balanced one. Again, my first choice is the legislation that the gentlewoman from California (Ms. LOFGREN) and I introduced. But we have come to a compromise, and I am very appreciative of the fact that my colleagues the gentleman from South Carolina (Mr. SPENCE), the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON), the gentleman from New York (Mr. GILMAN) and the others who have come to support this, have agreed to do that.

Mr. Chairman, I yield 2 minutes to my very good friend and classmate, the gentleman from San Diego, California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank my good friend for yielding me time, and I want to thank him for his hard work in trying to put together a compromise that he feels would serve national security as well as commercial interests.

Mr. Chairman, as one of the folks that believes that we fought the Cold War right, let me just reflect to my colleagues that this species of transfer of computers and supercomputers to potential adversaries is a very dangerous game.

My colleague mentioned the Cold War. In fact, we won the Cold War and liberated about half a billion people from slavery. In winning the Cold War we were very careful not to transfer American militarily useful technology to adversaries and potential adversaries.

Computers have a deadly potential. That is, they can help to upgrade the nuclear weapons component of a military like China's. They can upgrade their ability to throw missiles. They can upgrade those militaries in almost every category, chemical, biological weapons.

One of my colleagues talked about helping American workers. American workers have another interest, and that is to see to it that their children are not killed on battlefields around the world by systems that were transferred to those countries by the United States of America.

This is a compromise. It is 60 days, and the time we are out of session does not count in the review period. For that reason, those of us who want to see very, very tight controls and review went along with it.

□ 1615

I might say to my colleagues, this is a very dangerous exercise that we are engaged in. We have to be very conservative and very careful. We have made massive mistakes in the past in transferring technology to our adversaries. We do accept this, especially because of the reservation of time that is spent out of session, so we are not going to be surprised by a transfer by the President of something that we think will be dangerous to American security. For that reason, the committee has agreed to the compromise.

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

Mr. Chairman, I just think that it is important to establish a couple of points about the agreement among Members. First, everybody in America is glad the Cold War is over and we are glad that capitalism won and we are glad that America won, so that is not an issue.

Number two, I think everybody agrees that there are some supercomputers that should not be exported. I know that I do and I think most of the companies in Silicon Valley, my home, believe that there is some high-end equipment that can be used for a dual use purpose and that it is not generally available and should be controlled. I agree with that.

The issue really is what is widely available and already accessible worldwide? And that is a changing number in terms of computing power, and once we determine that someone can get it anywhere else we are not really accomplishing anything by hampering our own economy.

I mention from time to time that if one can buy it at Fry's, it is too late to control. Recently somebody said what is Fry's? Well, what Fry's is is an electronic store in Silicon Valley where a person can walk down the aisle and they can buy computer chips and mother boards, and they can buy, and believe me this stuff is small, hardware that violates our export controls at Fry's right now. If we think that there are other countries in the world who cannot also go into Fry's, believe me there is no security ID necessary to go shopping at Fry's, if we do not think that people who want to get high computing power cannot already get it, then I think we are sadly mistaken.

So we need to make sure that our export controls are really keyed in to exporting power that is not available generally, and then once that decision is made there is no point in having a long, long period of time to implement it.

I mentioned earlier my disappointment over the 30- and 60-day issue. I will not reiterate that, but I thought it was important to highlight where we agree and not just where we disagree.

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

Mr. DREIER. Mr. Chairman, do I have the right to close the debate on this?

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from California (Mr. DREIER) has the right to close and has 6½ minutes remaining.

Mr. DREIER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me first say that the pages are snickering because when someone put an easel up next to me here, I said I do not need charts. Well, this is one business where one can never admit to having learned anything, but the fact is I have learned that one can use charts if they are really good. So I have a really good chart here which points to the fact that when we are looking at MTOPs levels, MTOPs are millions of theoretical operations per second, MTOP

levels, we are actually debating very, very small computers here.

We are not talking about these supercomputers that go up to 3.2 million millions of theoretical operations per second. So the fact is, we are talking about computers that are widely available, and what we have done here is we have said that we simply want to make sure that since the rest of the world is making these very small computers available, that we in the United States should be able to compete with them. It seems to me that is the right thing to do.

Now today, current law says that we have a 6-month review period. As the gentleman from California (Mr. DOOLEY) pointed out, we have all kinds of other things that are approved with a much shorter period of time, 30 days. Now, people are concerned about the exports. My friend from San Diego, the gentleman from California (Mr. HUNTER), raised his question on this. The gentlewoman from California (Ms. LOFGREN) and I introduced the legislation calling for 30 days, but I want to see it reduced from the 6-month level, because if we look at the 3-month innovation cycle that exists out there we need to make sure that we do not have to be burdened with that 6-month period of time, and at the same time, recognize the top priority of national security.

So in light of that, we have come to a compromise. I have to say that I am troubled by those who would try to politicize this compromise because it is one that we have worked out. I have talked to everyone involved in this and gotten most people to agree. Again, the man for whom this legislation, the defense authorization bill, is named, the gentleman from South Carolina (Mr. SPENCE), the chairman of the committee, has made a very supportive statement here. The coauthor of the amendment is my friend from Missouri (Mr. SKELTON), a Democrat. My colleague, the gentlewoman from California (Mrs. TAUSCHER), and I suspect that my friend the gentlewoman from California (Ms. LOFGREN), will be supportive when we do have a vote on this because it is the best we can do at this juncture.

So I believe that it is the right thing to do and it is going to help us go a long way towards making sure that we do not have an incentive for our very, very important industry, the computer industry, which frankly is responsible for 45 percent of the gross domestic product growth that we have had in this country over the past 3 years, is not in any way provided with an incentive to leave the United States and go elsewhere because we put in the way hurdles for their continued success.

So I urge support of this very important amendment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise today in support of the Drier/Gilman Amendment to shorten from 180 days to 60 days the amount of time for Congress to review the performance level that defines high-speed computers; however, I am disappointed in the Rules Committee's handling of this issue. Unfortunately, the Rules Committee did not rule in order the Lofgren/Tauscher Amendment that would have created a 30-day review time limit. I am disappointed that the amendment that we have before us today is inadequate because it does not go far enough to make meaningful change to our export policy.

On October 19, 1999, along with eleven of my Democratic colleagues from the House Armed Services Committee, I signed a letter to Chairman SPENCE and Mr. SKELTON, indicating support for a change to the export adjustment policy to a 30-day review period. That letter was meant to indicate the support of several Democratic Committee Members for this change and to reiterate the fact that advances in technology and industry product cycles are simply moving too quickly to deal with a 180-day delay in the implementation of export regulations. It is unreasonable to subject modifications in computer export regulations to a six-month waiting period, or even a 60-day delay, while the sales of tanks, rockets, and high-performance aircraft require only a thirty-day review period. That is why I was extremely disappointed that the Rules Committee did not allow an amendment to be ruled in order on a reasonable 30-day review period.

Of course, I support the 60-day waiting period amendment as an improvement, and will vote for the Dreier Amendment. Nevertheless, I do feel that we have wasted an opportunity to make an even more practical and necessary change to our computer export policy by not allowing an amendment on a 30-day amendment to be ruled in order.

Mr. CROWLEY. Mr. Chairman, I rise today in support of the Dreier/Skelton amendment to the National Defense Authorization Act to reduce the waiting period for the export of computers from 180 days to 60 days.

The current 6-month waiting period clearly does not make sense for products that have a 3-month innovation cycle and are widely available from our foreign competitors. Until recently, export controls affected only a small number of computers. But with recent advances in microprocessor performance, many of the commonly available U.S. business computers will be subject to U.S. unilateral export controls.

This amendment will enable American high tech companies to compete more effectively around the world.

But I also want to express my hope that this legislation is only a first step to a more comprehensive overhaul of the U.S. Export Control System. We have to realize that our broken export control system threatens to cost our computer industry valuable sales in some of the most critical markets in the world.

This bipartisan amendment is support by the administration and by the computer industry. I urge my colleagues to support it today.

Mr. SMITH of Washington. Mr. Chairman, I rise today in strong support of shortening from 180 days to 60 days the Congressional review period for changes to the thresholds for export controls on high speed computers. While I have consistently maintained that the review period should be 30 days, this amendment represents a workable compromise. It is good for America's security and good for our Nation's economy

I have worked hard to update and improve our export controls since almost my first day in Congress. I am proud to have consistently supported loosening export controls—even when, at times, I was the only voice in favor of doing so. Clearly, we've come a long way in the last few years.

As a Member of the House Armed Services Committee, I am particularly sensitive to the need to protect and maintain national security. This measure not only ensures our country's national security, but also allows the technology industry to deliver their products to overseas customers and remain the world's leader in high speed computer production.

One of the best ways to protect security interests is to ensure that American companies continue to develop and sell the most advance computer systems in the world. According to the independent Defense Advisory Board, allowing foreign competitors to replace us in key markets, could ". . . have a stifling effect on U.S. military's rate of technological advancement." At risk is nothing less than the technological edge that is driving America's military and security superiority.

One of the best ways to keep our economy vibrant is to promote the export of technology. Industry needs the predictability of a 60 day review period to execute their business plans and to move products that have a three to six month innovation cycle. I am confident that this measure will allow U.S. computer firms to deliver their products to market in time to stay on top of foreign competitors.

I have been proud to fight this fight over the last several years, and I am proud of the gains we have made today.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. DREIER).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from California (Mr. DREIER) will be postponed.

It is now in order to consider Amendment No. 4 printed in House Report 106–621.

AMENDMENT NO. 4 OFFERED BY MR. LUTHER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LUTHER:

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

SEC. ___. DISCONTINUATION OF PRODUCTION OF TRIDENT II (D–5) MISSILES.

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 2001 may not be obligated or expended to commence production of additional Trident II (D–5) missiles.

(b) AUTHORIZED SCOPE OF TRIDENT II (D–5) PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the Trident II (D–5) missile program only for

the completion of production of those Trident II (D–5) missiles which were commenced with funds appropriated for a fiscal year before fiscal year 2002.

(c) FUNDING REDUCTION.—The amount provided in section 102 for weapons procurement for the Navy is hereby reduced by $472,900,000.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Minnesota (Mr. LUTHER) and a Member opposed will each control 5 minutes.

Mr. HUNTER. Mr. Chairman, I rise in opposition.

The CHAIRMAN pro tempore. The gentleman from California (Mr. HUNTER) claims the 5 minutes in opposition.

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

Mr. LUTHER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today with my colleagues, the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from Massachusetts (Mr. FRANK), to offer a bipartisan amendment to discontinue funding for the production of the Trident II D–5 submarine launch ballistic missile.

The U.S. Navy currently operates a ballistic missile submarine fleet of 18 Ohio class submarines. Ten of these submarines are equipped with the Trident II D–5 missiles, while the 8 older submarines carry the Trident I C–4 missile, the D–5's predecessor. Each submarine carries 24 missiles.

Now, to comply with START II, the Navy is planning to retire four of the older subs carrying the C–4 missiles and to backfit the other 4 with the new D–5 missiles, even though the Navy has currently an inventory of 372 missiles. To do this backfit, the Navy has requested an additional 12 Trident II D–5 missiles at a cost to the American taxpayer of $472.9 million.

Mr. Chairman, given the dramatic change in our country's national security needs, we simply do not need to have the taxpayers of this country buy these additional Trident II D–5 missiles. The United States is the unchallenged world leader of missiles. The Russian submarine fleet is largely rusting in port. China has just one submarine with 12 ballistic missiles. We already have 372. Who could seriously argue that we need any more?

The Congressional Budget Office estimates that ending production will save the taxpayers $2.6 billion through fiscal year 2007, and retiring all 8 older subs will lead to savings of approximately $4.7 billion over the next 10 years.

These savings could be redirected toward other pressing needs in our country, including defense needs such as the retraining of our military personnel.

I urge my colleagues to support this common sense bipartisan amendment.

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

Mr. HUNTER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, if one believes in strategic stability and deterrence, and I think almost every Member of the Chamber believes that deterrence has worked for the last 40 years, oppose this amendment.

We have three legs to our strategic triad. We have the land-based leg, that is, our missiles that are in silos in the United States. They are extremely vulnerable. They are very obvious. They are well targeted by our adversaries.

We have bomber aircraft. Those bomber aircraft are also very visible. They can be targeted on the runways very quickly.

We have one type of triad, the third type, which is not visible, which is survivable, which can survive to retaliate and therefore deter an adversary from making that first strike, throwing that first rock at the United States of America. That leg of the triad is the submarine leg.

Now we have 18 boats in the water, or boomers or SSBNs, missile boats. We go down under START II, if the Senate ratifies START II with the changes, which is no sure thing because the Russians changed START II when the Duma made the ratification, so we now have to ratify START II as changed, but even if that happens, we go down to 14 boats and that requires more D–5 missiles.

Even if we do a START III, we are going to have 14 missile submarines, and that still requires D–5. So these accurate, stabilizing systems that are now the key and the heart of our strategic triad must be preserved. Even if my colleagues think START II, as changed, is going to be ratified by the Senate and signed, fine, go ahead and think that. We still have to have 14 submarines. We still need D–5s on all of those submarines.

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

Mr. LUTHER. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Minnesota (Mr. RAMSTAD).

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

Mr. RAMSTAD. Mr. Chairman, I thank the author of the amendment, the gentleman from Minnesota (Mr. LUTHER), for yielding me this time.

Mr. Chairman, I rise today in strong support of the Luther-Ramstad amendment to end production of the Trident II D–5 submarine launch ballistic missile. The appropriations bill before us today includes, as the gentleman from Minnesota (Mr. LUTHER) stated, almost $473 million for the purchase of 12 Trident II D–5 missiles. The Congressional Budget Office estimates that our amendment would save taxpayers $2.6 billion through 2007 and $4.7 billion over the next 10 years, money much better spent on our enlisted families in the military who are on food stamps.

The Navy already has a surplus of missiles, 25 more missiles than it says, the Navy says, are necessary to support its submarine force.

We should not be spending scarce military dollars on a Cold War relic that is not needed to effectively support our military's mission.

As a strong budget hawk and fiscal conservative, I believe that each and every area of the Federal budget must be scrutinized for savings. This Trident missile program has outlived its usefulness. It is time to save taxpayers from being forced to fund it.

This important amendment would save taxpayers money without, in any way, jeopardizing national security, and I urge my colleagues to support it. I urge a vote for fiscal sanity. Vote yes on the Luther-Ramstad amendment.

□ 1630

Mr. HUNTER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I have a Navy document in front of me that I am reading that gives the state of play with these D5 missiles. It states, ''With no D5 production beyond FY 2000, available inventory will only support outfitting of 11 Trident 2 SSBNs. So we are stopping short three submarine-loads of SSBNs if we stop production now.

It says further, we have to pull more submarines or more missiles each year out of inventory to support testing, so we are going to be going downhill in this very important part of our strategic triad.

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, the gentleman from California is absolutely correct. If we pass this amendment, only 11 Tridents would have the D5. We need 14. We are coming down from 18 to 14.

The other problem is that the existing missile, the C4 missile, is at the end of its useful life. In order to retrofit it and improve it, in order to use it over the lifetime of the submarine, we would have to spend almost as much money to do that as to get the existing D5. We are also 50 D5s short of inventory requirements.

Having said that, this missile, the D5 missile, is the only one we have today in actual production. This is the only missile the United States is producing. Therefore, killing this program would end all of our active missile procurement at a time when I think that would be a serious mistake.

Also, if they do this, then the United States would have to either build more land-based missiles or more bombers at a much higher cost than finishing out this particular program.

The D5 is our most effective and accurate missile, and I believe that the undersea deterrent is the most survivable part of our triad. We have an advantage here that we would unilaterally be giving up at a time when we are asking the Russians to enter into a START III agreement at lower levels.

The leverage for that is because of our ballistic missile submarines. That is where we have an advantage over the Soviets. We would be unilaterally giving up that advantage. It makes no

sense. The D5 has been a first rate system. We need to backfit it on the four Pacific Tridents. It is part of our overall defense plan. It is something that this administration favors.

Who favors it? The President of the United States, the Secretary of Defense, and the Secretary of the Navy, the Chief of Naval Operations, that is who supports it, along with, I hope, a majority of the House of Representatives.

Mr. LUTHER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Luther amendment. I appreciate my colleagues' and all of our colleagues' tireless efforts to fight and eliminate the Trident missile, a true relic of the Cold War.

With the potential for nuclear warhead reduction from the START II procedures, pending that ratification, we will not need to invest in missiles today that could be unnecessary in the near future. It is a waste.

Continuing the Trident's production wastes billions of dollars. In fact, terminating production of the Trident missiles, as this amendment does, the CBO estimates it would save over $2.5 billion over the next 7 years. In fiscal year 2001 alone it would save $473 million.

Mr. Chairman, this is money that can be invested in our children and their education, our seniors and their health care, and our families and their security. I urge my colleagues to invest in people. Vote for this amendment.

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

Mr. Chairman, this is a centerpiece of our strategic deterrent. The amount of money we are talking about here is less than 1 percent of the defense budget. With a growing nuclear club around the world, it is important for us to preserve the most important part of our nuclear deterrent.

This amendment would gut that program and would hurt strategic stability. Please vote against this amendment offered by my friend, the gentleman from Minnesota (Mr. LUTHER).

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

Mr. Chairman, I respect the point of view that this is the centerpiece of our defense, and yes, I do not disagree with that, but we have 372 of these missiles already. Who would suggest that we need 12 more when we have the pressing needs that we have in this country?

This amendment, Mr. Chairman, is supported by Taxpayers for Common Sense, the Council for a Livable World. Let us get some common sense in this body. That is all we are asking for on this amendment. Let us support this amendment and start sharing the resources that are in this bill with the other needs of our country.

The CHAIRMAN pro tempore (Mr. SUNUNU). The question is on the amendment offered by the gentleman from Minnesota (Mr. LUTHER).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. LUTHER) are postponed.

The point of no quorum is considered withdrawn.

Mr. HUNTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. VITTER) having assumed the chair, Mr. SUNUNU, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, had come to no resolution thereon.

ORDER OF CONSIDERATION OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that when the House next resolves itself into the Committee of the Whole House on the State of the Union for the further consideration of H.R. 4205, that the committee proceed to the consideration of amendments printed in the House Report 106–621 in the following order: No. 20, No. 13, Nos. 5 through 9, No. 11, No. 12, Nos. 14 through 19, Nos. 21 through 26, Nos. 28 through 35, No. 10, and No. 27.

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

There was no objection.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. Pursuant to House Resolution 503 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4205.

□ 1636

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 further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. GUTKNECHT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a demand for a recorded vote on amendment No. 4 printed in House Report 106–621 offered by the gentleman from Minnesota (Mr. LUTHER) had been postponed.

It is now in order to consider amendment No. 20 printed in House Report 106–621.

AMENDMENT NO. 20 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 printed in House Report 106–621 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 324, after line 11), insert the following new section:

SEC. ___. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

"(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

"(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

"(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

"(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

"(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS ON USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

''(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

''(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.''.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

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

Mr. TRAFICANT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, a great Georgetown basketball player not too far away, now in the NBA for the Miami Heat, was just named the most valuable defensive player in the National Basketball Association. He got that award because he did not allow anyone with bad intentions to come into his territory.

The Traficant amendment does not deal with immigration, it deals strictly with terrorism and with narcoterrorists. I submit that someone can actually send across the border the components of a nuclear missile, assemble it in Arizona, and launch it at American cities.

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

Mr. REYES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

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

Mr. Chairman, I have found in my short tenure in Congress that every year we celebrate the holiday season, we celebrate Easter with an Easter egg roll, we celebrate the Fourth of July, and we every year debate this ridiculous amendment.

Mr. Chairman, this amendment is ill-advised. Every year it is ill-timed. It has the ability or the potential to put our men and women in uniform in jeopardy. I would hope that my colleagues would join me in opposition to this amendment.

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

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

Mr. Chairman, I can remember when a Member stood up when I offered to change the burden of proof in a civil tax case and change judicial consent, forcing the IRS to go to a judge before they could seize a home, and I heard a colleague say the same thing: Every year we do this, we did it for 10 years.

Last year it became law. In 1997, we had 10,037 seizures of homes, I would say to the gentleman from Texas (Mr. REYES). In 1999, there were only 161 seized. Sometimes it takes time to pass good legislation.

Mr. Chairman, let me say this, a Nation that does not secure its borders has no national security. A bill that does not debate the fact that only three out of 100 trucks are even inspected and our borders are wide open, and we are asking civilians to match the firepower of terrorists who literally have those bad intentions, it makes no sense, the argument that I am hearing.

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

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

Mr. Chairman, to my good friend and colleague, the gentleman from Ohio, if this amendment were to become law, then that would mean that this country would be in serious trouble, because what this amendment does, it advocates the equivalent of martial law for communities along the border, the equivalent of martial law, where whole regions of this country who are already suffering from lack of infrastructure, lack of support, lack of money, many, many different needs that we have along our border communities would, in a very disparate way, be affected by the utilization of the military, under the guise of terrorism.

My friend speaks about good legislation sometimes taking many years. A bad idea I think does not deserve its time and its place, and certainly this amendment does not deserve to be considered by this body.

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

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, this is a very moderate amendment. There are many people in America who would say it does not go far enough. We hear a lot about what our responsibilities are in the Federal government, but if we read the Constitution, Article 4 specifically says that the Federal government's responsibility is to defend our neighborhoods from outside invasion.

We have a drug war supposedly going on, and the American people are paying to send troops all over the world to defend everybody else's neighborhoods, but Members of Congress who are sworn to uphold the Constitution will not even authorize the President to use troops if necessary to defend our children from the scourge of drugs.

The gentleman from Ohio is not saying put them there, he says at least be brave enough to say that if this is what it takes, we are willing to stand by our citizens, our children, and our Constitution that says our obligation constitutionally is not to defend other countries but to defend our own children in their neighborhoods.

Mr. Chairman, I am asking my colleagues to understand, this is a moderate proposal being presented. If Members will not even authorize the executive branch to use what resources are available to defend our children, resources that are used for other children all around the world, I ask Members, who do Members defend if they are not going to defend their children and their own constitutional responsibilities?

Check it out, Article 4, the responsibility of the Federal government to stop foreign invasion. Our country is being invaded by drugs. I do not want anyone to stand up and point fingers at other countries, that they are not doing enough about fighting the drug war, when they will not stand up and execute the minimum of constitutional responsibilities of this Congress.

Mr. REYES. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I have fought the drug war. I have served in the military. I, in the same way, want to enforce and obey the Constitution of this United States, but we need to do it in a very responsible manner.

How many Members have had a chance to go visit and learn the needs of the border? Just last week, Mr. Chairman, we had five Federal judicial judges from the border States who carried 24 percent, in five districts, carried 24 percent of the workload in the United States.

□ 1645

We put soldiers on the border. Where are we going to keep them when we arrest them? What about the judges that are needed? What about the prosecutors that are needed? We have to provide, my friends. The infrastructure is not there. I have fought the war on drugs. I have talked to the judges about the needs that they have. If we do it in a responsible manner, yes, let us do it.

Let me say something else, when you are in the military, the training is totally different from the training that

people on the Border Patrol, who serve in the Border Patrol, have. We are dealing with human beings. We are dealing with people who are destitute, who are looking for a job. Yes, we need to enforce our borders and strengthen our borders, but let us do it in a responsible way.

Mr. Chairman, my friends from Ohio know, both of them, how much respect I have for both of them, but if we do not have the infrastructure, please tell me where we are going to house them? Who is going to try them?

Mr. Chairman, I oppose this amendment.

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

Mr. Chairman, let me say this, if we are worried about where we are going to house them, just let the narcotics people keep coming in. Tons of cocaine and heroin, we are debating how are we going to prosecute them, where are we going to keep them. Our borders are overflowing with narcotics. We have no war on drugs in America. It is hypocrisy.

My amendment does not deal with immigration, but it says they must be trained. They cannot make arrests. They must always be in the presence of civilian law enforcement officers.

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

Mr. REYES. Mr. Chairman, I will defer, I will close. I am the last speaker on this segment.

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

Mr. Chairman, the amendment calls for the training of regular and reserved troops. It prohibits making arrests. They are not involved with illegal immigration. Their purpose is to support preventing terrorists from entering our Nation, and if there is one threat that we face more than anywhere else, is not a sophisticated battle somewhere overseas, it is terroristic and continued attempt to impregnate our Nation and blow up our Federal buildings.

In addition, if this is a war on drugs, then I am Woody Allen, because we have none, and we have two border patrol agents for every mile of border. I say if the Secretary of the Treasurer or the Attorney General requests it, they are allowed to do it. It does not mandate it. I want to know the program, because there is no program, our Nation is overrun by narcotics.

The weight of this problem falls right on Congress who sits back with people in the White House that have done nothing. This group has done nothing. If we need more judges, hire them. If we need more prosecutors, hire them and do that in another bill.

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

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

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

Mr. REYES. Mr. Chairman, in deference to my friend, Woody, the gentleman from Ohio (Mr. TRAFICANT), I would like to close by saying that the Department of Defense does have, the authority does have a plan. I want to enter into the RECORD a copy of a report that was just filed this week.

Mr. Chairman, I would like to read from it, and it says, I quote, ''in emergencies, the DOD will respond to requests for support as required. It is not in the DOD's military interests to require training in search and seizure of arrest or use of force against civilian citizens,'' what my colleague is advocating. ''This type of training has minimal military value and detracts from the training with war-fighting equipment for which we are trained in war-fighting missions. It will lead to decreased military training, which reduces unit readiness levels and overall combat effectiveness of the armed forces.''

Mr. Chairman, I ask my friend, the gentleman from Ohio (Mr. TRAFICANT), this is not what the military is trained to do. We already stretched our troops all around the world in many different types of missions. I strongly ask my colleagues to vote against this amendment.

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

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, as I stated before, I am for arresting terrorists and narcotraffickers, but, my friends, the dockets of the judges who border the United States and Mexico are overloaded. They are having to look for places to incarcerate hard-core criminals. All I am saying is let us be responsible, let us come up with a plan.

I have five presiding judges, there are 89, 89 judicial Federal districts throughout the United States, my friends, and five of these judicial districts, five carry 24 percent. Yes, I am for arresting traffickers and narcotraffickers. I used to arrest them when I was sheriff, but let us come with a responsible plan. It may be my friend can help me by coming up with a bill that will give these judges help, give the United States marshals help, but this is not the place for the military to be involved in.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, it is not as though the House has had this debate. It never had this debate. It seems as though we have had it over the years, and I have great respect for the gentleman from Ohio (Mr. TRAFICANT). I have great respect for his passion and his zeal.

Let us apply a little common sense, as the gentleman from Missouri (Mr. SKELTON) always likes to teach me. This is also about the Constitution and the prerogatives of the Office of the Presidency. He is the Commander-in-Chief. The Congress, we do not have to stand here and tell the Commander-in-Chief that one of your jobs is to protect the Nation's borders. Constitutionally, it is implied in the powers of the Executive Office of the Presidency.

With regard to narcotics, let us be very upfront; 80 percent of the drugs that are coming into this country come through ports of entry. Now, we have 10 percent that are air. We probably have the other 10 percent that come through the transit countries here in particular, whether it is up through central America to Mexico, they shortland the border, and then they end up taking it across the border through mules, to humans, to motorbikes, horseback, that happens; so the gentleman is correct on that.

That issue gets addressed by, whether it is INS and DEA and those types of issues, but for the Congress to mandate placing our troops in divisions on the border is not the most prudent way to do this. I agree with the gentleman from Texas (Mr. REYES) about how it detracts from the unit readiness and those types of things, he is right. I concur with the gentleman's analysis. That is not what we should be doing.

I would urge Members to vote against the Traficant amendment, although, I have great respect for his passion.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is often one of the issues that gets contentious on the floor of Congress, and it is a lot like eating an ice cream sundae. It looks good. It feels good eating it, but it is not good for us and a lot of times people recommend against it. Part of this effort is not one of wanting to sound tough on drugs.

Like my colleague, the gentleman from Texas (Mr. ORTIZ), I fought the war on drugs. I had 26½ years working the border with the United States Border Patrol, so I know what is involved. That is why I emphatically asked my colleagues let us fund the INS, let us fund Border Patrol. Let us give them the right equipment. Let us give Customs the necessary personnel, the necessary technology to do the kind of professional job that my colleague, the gentleman from Ohio (Mr. TRAFICANT) is concerned about.

If, in fact, this issue is about fighting terrorism; if, in fact, we are concerned about the ability of this country to monitor and control the borders, it is not a Republican or a Democratic issue. It is an issue that has to be dealt fairly. It is an issue that has to be dealt even-handledly, and it is one that has got to be done strategically.

We cannot impose marshal law on communities along the border simply because they happened to live there, people happen to live there. It is imperative that we provide the same kinds of

protection to residents along the border like Brownsville, El Paso, Nogales, and the San Diego area that the same citizens in Ohio and other parts of this great country have.

It is an issue of fairness. It is an issue of working smart to protect this country, but doing it professionally by funding INS Border Patrol and Customs.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

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

Mr. Chairman, let me start off by just saying that I think the gentleman from Texas (Mr. REYES) is the most successful Border Patrol chief in the history of this country, a great American, a great crew chief in Vietnam. I have been down in the contrawars with my great friend, the gentleman from Texas (Mr. ORTIZ), a wonderful, wonderful member of our committee. I also respect the gentleman from Ohio (Mr. TRAFICANT) and what he is trying to do. And I just want to point out a few things.

We have already entered the drug war with the U.S. military. We entered the drug war because we realized that our Customs folks and our other folks were being overwhelmed by what essentially were military operations on the side of the people that were moving cocaine and other narcotics to our children into the U.S., so we started using American military assets, even though there was a major debate 15 years ago on this subject.

This is only permissive. It requires the request of the Attorney General of the United States and the Secretary of the Treasury, and even then it is not mandatory, it is discretionary with DOD.

I would say if we look at the enormous effectiveness of the smugglers, people who are moving now, both people and narcotics into this country, and the prospect and possibility of terrorism, which always exists, this is not an unusual or an extreme request. It requires a request from the Attorney General of the United States, and in some cases, with this 2,000 mile border and an underfunded Border Patrol which is stretched very thin and which, even today, cannot meet its recruiting requirements, it is very obvious, it is very easy to envision a time when the United States in its interests, its preservation interests and security interests, should have the right to have American troops on the border.

Mr. Chairman, I do not think it is an outrageous request, and I think it is something that we should be able to have at least in our hip pocket.

I would just ask my friends, I joined with them on all of these requests for more Border Patrol funding, and I led some of those requests, the INS has not gone along with those requests, we are still short Border Patrol agents. I think this is a reasonable amendment

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, let us be upfront about this. Mexico has recognized how critical the war on drugs are. They have put their troops at the border. We are not even mandating that. We have Naval forces and Air forces right now working a drug interdiction on the border, and we have the National Guard of the State of California. I do not know about the other States, but the troops from California are already at the border.

Now, I have supported both gentlemen from Texas in increasing funding for Border Control, but to deny the American people who pay the taxes for the national defense capabilities of this country, to deny them the resources defending their neighborhoods, because we are worried about a public relations problem, or we are worried that it may detract from hiring more Border Patrol agents, I strongly support that. I think my colleagues know that.

□ 1700

San Diego has more drug problems through the court system than any other portion of this country. This is not about conviction. This is about interdiction. I strongly support the argument of the gentleman from Texas that we need more court processes. But do not dare walk away from the fact that the States are doing it, Mexico is doing it, the Navy is doing it, the Air Force is doing it, everyone is committed to this. Everyone is committed to controlling the border, but we are going to condition that American troops will not be used for controlling our border.

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

Mr. BILBRAY. I do not have time.

Mr. REYES. The gentleman still has time. Let me just ask my colleague if he realizes that that authority already exists? I read from a report filed this week. That authority is already there with DOD.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The gentleman's time has expired.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I cannot even believe this debate. Is the border a national security checkpoint or not? Are we guarding borders in the Mideast? Are we vaccinating dogs in Haiti with our military; building homes overseas?

I am not worried about the small illegal immigrant running across that border. I understand that. But, my God, I am a former sheriff. How many more overdoses are we going to have? Where is our program? We have no program.

I heard the gentleman from Indiana (Mr. BUYER) talk about the ports of entry. The Traficant bill allows the military to assist Customs as well at those ports of entry. They cannot make arrests, they must be trained, they cannot violate posse comitatus. But, go ahead, keep the doors open. Keep the cocaine and heroin coming in, colleagues, and then let the people all over America end up on slabs. Maybe we need a rocket to come across, someone to put together a warhead, maybe in Arizona. Maybe that will teach us a lesson.

I say the Constitution says Congress is responsible for our national defense. We authorized the President to conduct our programs. I do not mandate it, but I do authorize that possibility to occur.

I want to thank this chairman for being respectful enough to allow a Democrat to bring this amendment and to have time to speak granted from the Republicans.

Mr. ORTIZ. Mr. Chairman, I rise today to oppose the Traficant Amendment.

I have been a law enforcement officer, and I served in the Army. These two endeavors simply do not mix, particularly inside the borders of the United States. Putting our forces on the border is a violation of the legal protection of citizens from the military under Posse Comitatus.

Our energy should rightly be focused on the need for professional law enforcement officers; we do not have enough INS and Customs personnel to address the need that now exists. Protecting our border is a massive undertaking, one which should be performed by professional, bilingual INS and Customs personnel.

As a co-chair of the Congressional Border Caucus, I can tell you that one of our most constant and pressing issues is lobbying and fighting for resources to put the law enforcement we need on the border. Again, that is the appropriate venue for the gentleman from Ohio, and others who share his concern, to focus their efforts.

The Department of Defense has spoken to this issue and their views are very instructive for this debate. They note that it is not in the DoD's military interest to require training in search and seizure arrests—or use of force against civilian citizens.

They say this will lead to decreased military training, which reduces unit readiness levels and overall combat effectiveness of the Armed Forces. That, my friends, is not the path we want to take. Our soldiers face enough danger.

DoD also says that "the risk of potential confrontation between U.S. citizens and military members far outweigh the benefit." Indeed it does, and for one citizen on the border, it is too late.

I urge my colleagues to defeat this amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. VITTER) assumed the Chair.

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The Committee resumed its sitting.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). It is now in order to consider amendment No. 13 printed in House Report 106–621.

AMENDMENT NO. 13 OFFERED BY MR. STEARNS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. STEARNS:

At the end of title VII (page 247, after line 9), insert the following new section:

SEC. 7___. STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under medicare and the Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) REPORT.—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

Mr. Chairman, every now and then in a debate we need an amendment that everybody agrees on and everybody is happy about, and this is just such an amendment. And I think it is appropriate that we have this one after our previous debate. In addition, this amendment has been worked out with the Committee on Armed Services.

The purpose of my amendment is to request that the Secretary of Defense conduct a study comparing the coverage and reimbursement for physical, speech, and occupational therapies for covered beneficiaries under the TRICARE program to coverage and reimbursement for such same therapies under Medicare and the Federal Employee Health Benefits Program. So we are comparing what is provided under TRICARE with what is provided under Medicare and the Federal Employee Health Benefits Program.

This study examines the following: The type of services covered; whether prior authorization is required to receive such services; reimbursement limits for services covered; and, fourthly, whether services are covered on both an inpatient and outpatient basis.

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

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

Mr. SKELTON. Mr. Chairman, we see nothing wrong with the gentleman's amendment. As far as we are concerned, we accept it.

Mr. STEARNS. Reclaiming my time, Mr. Chairman, I thank the gentleman. I will just finish my presentation for the good of the House, and I thank the chairman for his kind acceptance.

The Secretary shall submit a report on the findings of the study conducted to the House and Senate Committees on Armed Services no later than March 31, 2001. So, Mr. Chairman, I offer this amendment because it has been brought to my attention that acceptance of TRICARE patients presents a variety of problems, business concerns, to rehab providers. Because of these concerns, rehab practices are reluctant to accept TRICARE patients, and that is wrong.

For example, most patients with a diagnosis of a stroke, for example, require two and sometimes three rehab disciplines, depending upon the severity of the stroke. Therefore, the stroke patient may require physical and occupational therapy and possibly speech therapy, if the speech centers of the brain are involved. The concern here is that only the physical therapy services are covered as reimbursable service without prior written authorization, while speech therapy services require prior written authorization.

Confusing? That is what this study will determine, the proper way to go.

Occupational therapy would not be covered, as it can only be covered in an institutional facility. In most cases this creates a significant inconvenience for patients who now must receive their physical and speech therapy in one facility and have to travel to a separate institutional facility for occupational therapy services.

Another good example, Mr. Chairman, concerns patients who are referred with a diagnosis of, let us say, a head trauma or upper extremity trauma. They would have similar rehab needs as stroke patients and, most likely, experience similar inconveniences.

Providers are also concerned about the potential for interpretation of fraud by utilizing a physical therapy assistant in the treatment of TRICARE patients. That should not occur. In hospitals, skilled nursing facilities, and outpatient rehab facilities it is common for the therapy staff to be comprised of physical therapists and physical therapy assistants. When the rehab staffing is compromised due to sickness, educational leave, vacation, et cetera, the rehab provider is limited to the staff who can treat TRICARE patients. These TRICARE patient appointments may need be canceled and the therapy interrupted due to the compromised staffing pattern.

This situation does not occur in treating traditional Medicare patients. Neither does it occur with Federal Employee Health Benefits. The requirement for utilizing only registered physical therapists serves to create a more expensive model in which to deliver rehab services.

In Florida, for example, physical therapy assistants, by their practice, can perform all of the therapy services rendered by a registered physical therapist, with the exception of performing a patient evaluation, changing a patient's plan of care or treatment, or discharging a patient. The risks associated with a TRICARE patient accidentally being treated by a physical therapy assistant presents a significant concern to all these rehab providers.

So, Mr. Chairman, I think this study will try to determine how these problems can be resolved. My district has many active duty and retired military and their dependents who rely on this program for their health care. By having DOD conduct such a study, we would be provided with the necessary information to make a fair assessment about coverage of the rehab therapies by TRICARE. I urge my colleagues to support this amendment.

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

The CHAIRMAN pro tempore. Does any Member claim time in opposition to the amendment?

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to section 3 of House Resolution 503, I offer en bloc amendments consisting of the following amendments, printed in House Report 106–621: Amendment No. 5, as modified; amendments 6, 7, 8 and 9; amendment No. 11,

as modified; amendments 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, and 35.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc and report the modifications.

The Clerk designated the amendments en bloc and proceeding to report the modifications.

AMENDMENT NO. 5 AS MODIFIED

OFFERED BY MR. HUNTER OF CALIFORNIA

The amendment as modified is as follows:

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

SEC. 125. ECONOMIC ANALYSIS OF CERTAIN SHIPBUILDING PROGRAMS.

(a) ECONOMIC ANALYSIS.—The Secretary of Defense, in consultation with the Secretary of the Navy, shall conduct an economic analysis on the potential benefits and costs associated with full funding, and with alternative funding mechanisms, for the procurement of large aviation-capable naval vessels beginning in fiscal year 2002.

(b) COVERED VESSEL CLASSES.—For purposes of this section, the term ''large aviation-capable naval vessel'' means the following classes of vessel:

(1) The CVN(X) class aircraft carrier.

(2) The LHD and LHA replacement class amphibious assault ships.

(c) REPORT.—The Secretary shall submit to the congressional defense committees a report detailing the results of the economic analysis under subsection (a). The report shall be submitted concurrently with the submission of the President's Budget for fiscal year 2002, but in no event later than February 5, 2001. The report shall include the following:

(1) A detailed description of the funding mechanisms considered.

(2) The potential savings or costs associated with each such funding mechanism.

(3) The year-to-year effect of each such funding mechanism on production stability of other shipbuilding programs funded within the Shipbuilding and Conversion, Navy, account, given the current acquisition plan of the Navy for the large aviation-capable ships and other shipbuilding programs through fiscal year 2010.

(4) A description and discussion of any statutory or regulatory restrictions that would preclude the use of any of the funding mechanisms considered.

AMENDMENT NO. 6

OFFERED BY MR. UNDERWOOD OF GUAM

Page 40, line 14, strike ''50 States'' and insert ''United States''.

Page 41, after line 15, insert the following:

(c) DEFINITION.—For purposes of this section, the term ''United States'', when used in a geographic sense, means the 50 States, the District of Columbia, and any Commonwealth, territory, or possession of the United States.

AMENDMENT NO. 7

OFFERED BY MR. HANSEN OF UTAH

Page 51, line 13, strike the period at the end and insert the following: ''for such special use airspace and the use of such special use airspace established in such environmental impact statements.''.

Page 51, lines 14 and 15, strike ''OF NETWORK'' and insert ''FOR LOW-LEVEL FLIGHT TRAINING''.

AMENDMENT NO. 8

OFFERED BY MR. MCKEON OF CALIFORNIA

At the end of subtitle B of title III (page 53, after line 12), insert the following new section:

SEC. ___. FINDINGS AND SENSE OF CONGRESS REGARDING ENVIRONMENTAL RESTORATION OF FORMER DEFENSE MANUFACTURING SITE, SANTA CLARITA, CALIFORNIA.

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

(1) A former private sector munitions plant may have demonstratively impacted the environment of a 1,000-acre site in Santa Clarita, California.

(2) Munitions and rocket propellant manufactured at this site for over 60 years may have contributed to various contaminants including, but not limited to, perchlorates and various volatile organic compounds.

(3) The munitions plant used materials and production methods in support of purchase orders from the Department of Defense to meet the national security interests of the United States at the time.

(4) The Santa Clarita site serves a unique role in the future of the community and is the cornerstone to many public benefits, including reduction in transportation congestion, access to much-needed schools, future local government centers, assurance of quality drinking water, more than 400 acres of public space, and affordable housing.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) every effort should be made to apply all known public and private sector innovative technologies to restore the Santa Clarita site to productive use; and

(2) the experience gained from this site by the private and public sector partnerships has the potential to pay dividends many times over.

AMENDMENT NO. 9

OFFERED BY MRS. FOWLER OF FLORIDA

Page 80, line 14, insert ''only'' after ''may be delegated''.

Page 81, line 15, insert before the period the following: ''or to an official in the Office of the Secretary of Defense senior to that Deputy Under Secretary''.

AMENDMENT NO. 11, AS MODIFIED

OFFERED BY MR. BUYER OF INDIANA

The amendment as modified is as follows:

Page 83, line 23, strike ''350,526'' and insert ''350,706''.

Page 85, line 11, strike ''22,974'' and insert ''23,154''.

Page 86, line 2, strike ''23,129'' and insert ''23,392''.

At the end of subtitle D of title I (page 30, after line 2), insert the following new section:

SEC. 132. KC–135E REENGINING KITS.

Of the amount provided in section 103(1) for procurement of aircraft for the Air Force, the amount of $52,000,000 provided for two reengining kits for KC–135E modifications shall be available for the Air Force Reserve Command.

AMENDMENT NO. 12

OFFERED BY MR. CAMP OF MICHIGAN

At the end of subtitle D of title VI (page 199, after line 10), insert the following new section:

SEC. 643. EFFECTIVE DATE OF DISABILITY RETIREMENT FOR MEMBERS DYING IN CIVILIAN MEDICAL FACILITIES.

(a) IN GENERAL.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1219 the following new section:

''§ 1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement

''(a) AUTHORITY FOR LATER TIME-OF-DEATH DETERMINATION TO ALLOW DISABILITY RETIREMENT.—In the case of a member of the armed forces who dies in a civilian medical facility in a State, the Secretary concerned may, solely for the purpose of allowing retirement of the member under section 1201 or 1204 of this title and subject to subsection (b), specify a date and time of death of the member later than the date and time of death determined by the attending physician in that civilian medical facility.

''(b) LIMITATIONS.—A date and time of death may be determined by the Secretary concerned under subsection (a) only if that date and time—

''(1) are consistent with the date and time of death that reasonably could have been determined by an attending physician in a military medical facility if the member had died in a military medical facility in the same State as the civilian medical facility; and

''(2) are not more than 48 hours later than the date and time of death determined by the attending physician in the civilian medical facility.

''(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia and any Commonwealth or possession of the United States.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1219 the following new item:

''1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement.''.

(b) EFFECTIVE DATE.—(1) Section 1220 of title 10, United States Code, as added by subsection (a), shall apply with respect to any member of the Armed Forces dying in a civilian medical facility on or after January 1, 1998.

(2) In the case of any such member dying on or after such date and before the date of the enactment of this Act, any specification by the Secretary concerned under such section with respect to the date and time of death of such member shall be made not later than 180 days after the date of the enactment of this Act.

AMENDMENT NO. 14

OFFERED BY MR. STENHOLM OF TEXAS

At the end of title VII (page 247, after line 9), insert the following new section:

SEC. 7___. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant cost avoidance for specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to

ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE—This section shall take effect on October 1, 2001.

AMENDMENT NO. 15

OFFERED BY MS. VELAZQUEZ OF NEW YORK

At the end of title VIII (page 263, after line 2), insert the following new section:

SEC. 8___. REQUIREMENT TO CONDUCT STUDY ON CONTRACT BUNDLING.

(a) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive study on the practice known as ''contract bundling'' by the Department of Defense, and the effects of such practice on small business concerns, economically and socially disadvantaged small business concerns, and small business concerns owned and controlled by women (as such terms are used in the Small Business Act (15 U.S.C. 632 et seq.)).

(b) DEADLINE.—The Secretary shall submit the results of the study to the Committees on Armed Services and Small Business of the Senate and the House of Representatives before submission of the budget request of the Department of Defense for fiscal year 2002.

(c) DATABASE.—For purposes of conducting the study required by this section, the Secretary shall develop, in consultation with the General Accounting Office, and maintain a database on all contracts of the Department of Defense (excluding contracts for the procurement of weapons systems) for which requirements have been bundled.

AMENDMENT NO. 16

OFFERED BY MR. TRAFICANT OF OHIO

At the end of title VIII (page 263, after line 2), insert the following new section:

SEC. 8___. COMPLIANCE WITH BUY AMERICAN ACT.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized by this Act may be expended by an entity of the Department of Defense unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN–MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should purchase only American-made equipment and products.

(c) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF ''MADE IN AMERICA'' LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

AMENDMENT NO. 17

OFFERED BY MR. BEREUTER OF NEBRASKA

Page 292, line 5, strike the closing quotation marks and second period.

Page 292, after line 5, insert the following:

''(f) PROVISIONS RELATING SPECIFICALLY TO ASIA-PACIFIC CENTER.—The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.''.

AMENDMENT NO. 18

OFFERED BY MR. COBURN OF OKLAHOMA

At the end of subtitle A of title X (page 302, after line 11), insert the following new section:

SEC. 10___. REQUIREMENT FOR PLAN TO ENSURE COMPLIANCE WITH FINANCIAL MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—(1) The Secretary of Defense shall develop a comprehensive plan to ensure compliance by the Department of Defense, not later than October l, 2001, with all statutory and regulatory financial management requirements applicable to the Department. In developing such plan, the Secretary shall give the same priority to achieving compliance with statutory and regulatory financial management requirements as the priority given to ensuring that the computer systems of the Department would be fully functional in the year 2000.

(2) Not later than January 1, 2001, the Secretary shall submit the plan required by this subsection to the Committees on Armed Services, the Committees on the Budget, and the Committees on Appropriations of the Senate and the House of Representatives, and the Comptroller General.

(b) COMPTROLLER GENERAL REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to the Committees on Armed Services and the Committees on the Budget of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, a report on the adequacy of the plan developed under subsection (a).

AMENDMENT NO. 19

OFFERED BY MR. GILCHREST OF MARYLAND

At the end of title X (page 324, after line 11), insert the following new section:

SEC. 1038. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

During fiscal year 2001, the Secretary of Defense may establish up to five additional teams designated as Weapons of Mass Destruction Civil Support Teams (for a total of 32 such teams), to the extent that sources of funding for such additional teams are identified.

AMENDMENT TO NO. 21

OFFERED BY MR. WELDON OF FLORIDA

At the end of title X (page 324, after line 11), insert the following new section:

SEC. ___. COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.

(a) ESTABLISHMENT.—Not later than March 1, 2001, the President shall establish a commission to be known as the ''Commission on the Future of the United States Aerospace Industry'' (in this section referred to as the ''Commission'').

(b) DUTIES.—The Commission shall have the following duties:

(1) To study the issues relevant to the future of the United States aerospace industry with respect to the economic and national security of the United States.

(2) To assess the future importance of the United States aerospace industry to the economic and national security of the United States.

(3) To evaluate the effect on the United States aerospace industry of the laws, regulations, policies, and procedures of the Federal Government with respect to—

(A) the budget;

(B) research and development;

(C) acquisition, including financing and payment of contracts;

(D) operation and maintenance;

(E) international trade and export of technology;

(F) taxation; and

(G) science and engineering education.

(4) To study in particular detail the adequacy of projected budgets of Federal agencies for—

(A) aerospace research and development and procurement;

(B) maintaining the national space launch infrastructure; and

(C) supporting aerospace science and engineering efforts at institutions of higher education.

(5) To consider and recommend feasible actions by the Federal Government to support the ability of the United States aerospace industry to remain robust into the future.

(c) COMPOSITION.—(1) The Commission shall be composed of not less than 10 and not more than 17 members appointed by the President.

(2) Each member shall be an individual with extensive experience and a national reputation with respect to one or more of the following:

(A) Aerospace manufacturing.

(B) Labor organizations associated with aerospace manufacturing.

(C) Economics or finance.

(D) National security.

(E) International trade or foreign policy.

(3) Members shall serve without pay by reason of their work on the Commission.

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

(5) The Chairperson of the Commission shall be designated by the President at the time of the appointment.

(d) POWERS.—(1) A number not less than 50 percent of the total number of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(2) The Commission shall meet at the call of the Chairperson.

(3) The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(4) Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(6) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(7) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(e) DIRECTOR AND STAFF.—(1) The Chairperson shall appoint and fix the pay of a Director.

(2) The Chairperson may appoint and fix the pay of additional personnel as the Chairperson considers appropriate.

(3) The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter

III of chapter 53 of that title relating to classification and General Schedule pay rates.

(4) With the approval of the Commission, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(5) Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(f) REPORT.—Not later than March 1, 2002, the Commission shall transmit a report to the Congress. The report shall contain a detailed statement of the findings and conclusions of the Commission, the recommendations of the Commission for legislation or administrative action, and such other information as the Commission considers appropriate.

(g) TERMINATION.—The Commission shall terminate 30 days after submitting its report pursuant to subsection (f).

(h) FUNDING.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities. Upon receipt of a written certification from the Chairperson of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

AMENDMENT NO. 22

OFFERED BY MR. GARY MILLER OF CALIFORNIA

At the end of title X (page 324, after line 11), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING INFORMATION TECHNOLOGY SYSTEMS.

It is the sense of Congress that—

(1) the Department of Defense must focus on upgrading information technology systems to allow seamless and interoperable communications; and

(2) each Secretary of a military department must demonstrate an unwavering commitment to achieving this goal and must ensure that communications systems within the active, reserve, and National Guard component of that military department receive equal attention and funding for information technology.

AMENDMENT NO. 23

OFFERED BY MR. HALL OF OHIO

At the end of title XI (page 334, after line 17), insert the following new section:

SEC. 11___. TEMPORARY AUTHORITY REGARDING VOLUNTARY SEPARATION INCENTIVES AND EARLY RETIREMENT FOR EMPLOYEES OF THE DEPARTMENT OF THE AIR FORCE.

(a) SEPARATION PAY.—Section 5597 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(i)(1) In this subsection:

''(A) the term 'agency' means the Department of the Air Force;

''(B) the term 'employee' means an employee (as defined by section 2105) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

''(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84, or another retirement system for employees of the agency;

''(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84, or another retirement system for employees of the agency;

''(iii) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

''(iv) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

''(v) an employee covered by statutory reemployment rights who is on transfer to another organization; or

''(vi) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754.

''(2)(A) A voluntary separation incentive payment may be paid under this section by the agency to any employee to maintain continuity of skills among the agency's employees or to adapt the skills of the agency's workforce to the emerging technologies critical to the agency's needs and goals.

''(B) A voluntary separation incentive payment under this subsection—

''(i) shall be paid in a lump sum after the employee's separation;

''(ii) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

''(iii) shall be equal to the lesser of—

''(I) an amount equal to the amount the employee would be entitled to receive under section 5595(c); or

''(II) an amount determined by the agency head not to exceed $25,000;

''(iv) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before December 31, 2003;

''(v) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

''(vi) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 based on any other separation.

''(3)(A) The head of the agency, prior to obligating any resources for voluntary separation incentive payments under this subsection, shall submit to the House and Senate Committees on Armed Services and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

''(B) The agency's plan shall include—

''(i) any positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

''(ii) the number and amounts of voluntary separation incentive payments to be offered;

''(iii) the steps to be taken to maintain continuity of skills among the agency's employees or to adapt the skills of the agency's workforce to the emerging technologies critical to the agency's needs and goals; and

''(iv) a description of how the agency will operate without the eliminated positions and functions.

''(4) In addition to any other payments which it is required to make under subchapter III of chapter 83 the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to be determined in accordance with paragraph (5).

''(5)(A) The amount remitted to the Treasury shall be the sum determined as follows. First, apply the following percentages to the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 to whom a voluntary separation incentive has been paid under this section and who retires on an early retirement or an immediate annuity:

''(i) 19 percent in the case of an employee covered under subchapter III of chapter 83 who takes an early retirement; or

''(ii) 58 percent in the case of an employee covered under subchapter III of chapter 83 who takes an immediate annuity.

''(B) Second, the sum of the amounts determined under clauses (i) and (ii) of subparagraph (A) shall be reduced, but not below zero, by the sum determined by applying the following percentages to the final basic pay of each employee who is covered under chapter 84 to whom a voluntary separation incentive has been paid under this section and who resigns or retires on an early retirement or immediate annuity, or an employee covered under subchapter III of chapter 83 to whom a voluntary separation incentive has been paid under this section and who resigns:

''(i) 419 percent in the case of an employee covered under subchapter III of chapter 83 who resigns;

''(ii) 17 percent in the case of an employee covered under chapter 84 who takes an early retirement;

''(iii) 8 percent in the case of an employee covered under chapter 84 who retires on an immediate annuity; and

''(iv) 211 percent in the case of an employee covered under chapter 84 who resigns.

''(6) Under regulations prescribed by the Office of Personnel Management, the agency may elect to make the remittances required under paragraph (4) in installments over a period not to exceed 3 years. In such case, the percentages to be applied under paragraph (5) shall be those determined by the Office as are necessary to equalize the net present value of retirement benefits payable to employees who retire or resign with a separation incentive under this subsection and the net present value of retirement benefits those employees would have received if they had continued to work and then retired or resigned at the standard rates observed for the workforce.''.

(b) RETIREMENT UNDER CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of such title is amended by adding at the end the following new subsection:

''(o)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.''.

(c) RETIREMENT UNDER FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended by adding at the end the following new subsection:

''(d)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of

maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.''.

(d) REPORTS.—The Secretary of the Air Force shall submit annual reports to the House and Senate Committees on Armed Services and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives describing the use of the authority provided in the amendments made by this section and the bases for using such authority with respect to the employees chosen.

(e) LIMITATION OF APPLICABILITY.—The authority to provide separation pay and retirement benefits under the amendments made by this section—

(1) may be exercised with respect to not more than 1000 civilian employees of the Department of the Air Force during each calendar year; and

(2) shall expire on December 31, 2003.

AMENDMENT NO. 24

OFFERED BY MR. HUNTER OF CALIFORNIA

At the end of the title XII (page 338, after line 13), insert the following new section:

SEC. 1205. NATO FAIR BURDENSHARING.

(a) REPORT ON COSTS OF OPERATION ALLIED FORCE.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the costs to the United States of the 78-day air campaign known as Operation Allied Force conducted against the Federal Republic of Yugoslavia during the period from March 24 through June 9, 1999. The report shall include the following:

(1) The costs of ordnance expended, fuel consumed, and personnel.

(2) The estimated cost of the reduced service life of United States aircraft and other systems participating in the operation.

(3) Whether and how the United States is being compensated by other North Atlantic Treaty Organization member nations for the costs of Operation Allied Force, including a detailed accounting of the estimated monetary value of peacekeeping and reconstruction activities undertaken by those member nations to partially or wholly compensate the United States for the costs of such operation.

(b) REPORT ON COST SHARING OF FUTURE NATO OPERATIONS.—Whenever the North Atlantic Treaty Organization undertakes a military operation with the participation of the United States, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing—

(1) how the costs of that operation are to be equitably distributed among the North Atlantic Treaty Organization member nations; or

(2) if the costs of the operation are not equitably distributed, but are to be borne disproportionately by the United States, how the United States is to be compensated by other North Atlantic Treaty Organization member nations.

(c) TIME FOR SUBMISSION OF REPORT.—A report under subsection (b) shall be submitted not later than 30 days after the beginning of the military operation, except that the Secretary of Defense may submit the report at a later time if the Secretary determines that such a delay is necessary to avoid an undue burden to ongoing operations.

(d) APPLICABILITY.—Subsection (b) shall apply only with respect to military operations begun after the date of the enactment of this Act.

AMENDMENT NO. 25

OFFERED BY MR. SKELTON OF MISSOURI

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. GAO STUDY ON VALUE OF UNITED STATES MILITARY ENGAGEMENT IN EUROPE.

(a) COMPTROLLER GENERAL STUDY.—The Comptroller General shall conduct a study assessing the value to the United States and its national security interests gained from the engagement of United States forces in Europe and from military strategies used to shape the international security environment in Europe.

(b) MATTERS TO BE INCLUDED.—The study shall include an assessment of the following matters:

(1) The value to United States security interests from having forces stationed in Europe and assigned to areas of regional conflict such as Bosnia and Kosovo.

(2) The value in sharing the risks, responsibilities, and costs of deploying United States forces with the forces of European allies.

(3) The costs associated with stationing United States forces in Europe and with assigning them to areas of regional conflict.

(4) The value of the following kinds of contributions made by European allies:

(A) Financial contributions.

(B) Contributions of military personnel and units.

(C) Contributions of nonmilitary personnel, such as medical personnel, police officers, judicial officers, and other civic officials.

(D) Contributions in kind that may be used for infrastructure building or activities that contribute to regional stability, whether in lieu of or in addition to military-related contributions.

(5) The value of a forward United States military presence in compensating for existing shortfalls of air and sea lift capability in the event of further regional conflict in Europe or the Middle East.

(6) The value of humanitarian and reconstruction assistance provided by European countries and by the United States in maintaining or improving regional stability.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 2001.

AMENDMENT NO. 26

OFFERED BY MRS. FOWLER OF FLORIDA

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. SENSE OF CONGRESS REGARDING NONCOMPLIANCE WITH LAW REGARDING OVERSIGHT OF COMMUNIST CHINESE MILITARY COMPANIES OPERATING IN THE UNITED STATES.

It is the sense of Congress that the Secretary of Defense has not complied with the requirements of section 1237(b) of the Strom Thurmond National Defense Authorization for Fiscal Year 1999 (50 U.S.C. 1701 note) to publish and update a list of Communist Chinese military companies operating in the United States. Congress expects that the Secretary, working with such other executive branch officials as necessary to comply fully with such section, will immediately comply with the provisions of that section. Furthermore, Congress notes that any requirement to assess information within the purview of other Federal departments and agencies in order to comply with that section was expressly anticipated by the requirement for interagency consultation provided in paragraph (3) of that section and that such consultation process ought to have been completed well before the mid-January 1999 deadline specified for the initial publication under that section.

AMENDMENT NO. 28

OFFERED BY MR. RYUN OF KANSAS

At the end of part I of subtitle C of title XXVIII (page 412, after line 24), insert the following new section:

SEC. ___. LAND CONVEYANCE, FORT RILEY MILITARY RESERVATION, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Kansas, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 70 acres at Fort Riley Military Reservation, Fort Riley, Kansas. The preferred site is adjacent to the Fort Riley Military Reservation boundary, along the north side of Huebner Road across from the First Territorial Capitol of Kansas Historical Site Museum.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Director of the Kansas Commission on Veterans Affairs.

(c) EXCEPTION FROM SCREENING REQUIREMENT.—The Secretary may make the conveyance required by subsection (a) without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the conditions that—

(1) the State of Kansas use the property conveyed solely for purposes of establishing and maintaining a State-operated veterans cemetery; and

(2) all costs associated with the conveyance, including the cost of relocating water and electric utilities should such relocation be determined necessary based on the survey described in subsection (b), shall be borne by the State of Kansas.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary of the Army determines appropriate to protect the interests of the United States.

AMENDMENT NO. 29

OFFERED BY MR. BAIRD OF WASHINGTON

At the end of subtitle A of title XXVIII (page 412, after line 24), insert the following new section:

SEC. 2840. LAND CONVEYANCES, FORT VANCOUVER BARRACKS, VANCOUVER, WASHINGTON.

(a) CONVEYANCE OF WEST BARRACKS.—The Secretary of the Army may convey, without consideration, to the City of Vancouver, Washington (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property encompassing 19 structures at Vancouver Barracks, Washington, which are identified by the Army using numbers between 602 and 676 and are known as the west barracks.

(b) CONVEYANCE OF EAST BARRACKS.—Upon vacation, or agreement to vacate, by the Army Reserve and the Army National Guard of the parcel of real property at Vancouver Barracks encompassing 10 structures, which are identified by the Army using numbers between 704 and 786 and the numbers 987, 989, 991, and 993, and are known as the east barracks, the Secretary may convey, without

(2) The Secretary may convey, without consideration, to the City the reversionary interest referred to in paragraph (1), modified as provided by such paragraph. Upon conveyance, the Secretary shall execute and file in the appropriate office an amended deed or other appropriate instrument effectuating the modification and conveyance of the reversionary interest.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary of the Army. The cost of any such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 30

OFFERED BY MR. HEFLEY OF COLORADO

At the end of part III of subtitle C of title XXVIII (page 430, after line 15), insert the following new section:

SEC. ___. LAND CONVEYANCE, LOWRY AIR FORCE BASE, COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, or lease upon such terms as the Secretary considers appropriate, to the Lowry Redevelopment Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to seven parcels of real property, including improvements thereon, consisting of approximately 23 acres at the former Lowry Air Force Base, Colorado, for the purpose of permitting the Authority to use the property in furtherance of economic development and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property to be conveyed or leased under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance or lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 31

OFFERED BY MR. HASTINGS OF WASHINGTON

In section 3131 of the bill (page 462, lines 4 through 6), amend the heading of such section to read as follows:

SEC. 3131. FUNDING FOR TERMINATION COSTS FOR RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.

In section 3131 of the bill (page 462, lines 9 through 11), strike ''relating to'' and all that follows through ''Richland, Washington'' and insert the following: ''relating to the River Protection Project, Richland, Washington (as designated by section 3135)''.

At the end of title XXXI (page 467, after line 11), insert the following new section:

SEC. 3135. DESIGNATION OF RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.

The tank waste remediation system environmental project, Richland, Washington, shall be known and designated as the ''River Protection Project''. Any reference to that project in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the River Protection Project.

AMENDMENT NO. 32

OFFERED BY MR. HAYES OF NORTH CAROLINA

At the end of title XXXI (page 467, after line 12), insert the following new section:

SEC. 3135. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION REPORTS ON ADVANCED SUPERCOMPUTERS SALES TO CERTAIN FOREIGN NATIONS.

Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended by adding at the end the following new subsection:

''(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for the purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).''.

AMENDMENT NO. 33

OFFERED BY MR. UDALL OF COLORADO

At the end of title XXXI (page 467, after line 11), insert the following new section:

SEC. ___. EMPLOYEE INCENTIVES FOR EMPLOYEES AT CLOSURE PROJECT FACILITIES.

(a) AUTHORITY TO PROVIDE INCENTIVES.—Notwithstanding any other provision of law, the Secretary of Energy may provide to any eligible employee of the Department of Energy one or more of the incentives described in subsection (d).

(b) ELIGIBLE EMPLOYEES.—An individual is an eligible employee of the Department of Energy for purposes of this section if the individual—

(1) has worked continuously at a closure facility for at least two years;

(2) is an employee (as that term is defined in section 2105(a) of title 5, United States Code);

(3) has a fully satisfactory or equivalent performance rating during the most recent performance period and is not subject to an adverse notice regarding conduct; and

(4) meets any other requirement or condition under subsection (d) for the incentive which is provided the employee under this section.

(c) CLOSURE FACILITY DEFINED.—For purposes of this section, the term ''closure facility'' means a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n).

(d) INCENTIVES.—The incentives that the Secretary may provide under this section are the following:

(1) The right to accumulate annual leave provided by section 6303 of title 5, United States Code, for use in succeeding years until it totals not more than 90 days, or not more than 720 hours based on a standard work week, at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, except that—

(A) any annual leave that remains unused when an employee transfers to a position in a department or agency of the Federal Government shall be liquidated upon the transfer by payment to the employee of a lump sum for leave in excess of 30 days, or in excess of 240 hours based on a standard work week; and

(B) upon separation from service, annual leave accumulated under this paragraph shall be treated as any other accumulated annual leave is treated.

(2) The right to be paid a retention allowance in a lump sum in compliance with paragraphs (1) and (2) of section 5754(b) of title 5, United States Code, if the employee meets the requirements of section 5754(a) of that title, except that the retention allowance may exceed 25 percent, but may not be more than 30 percent, of the employee's rate of basic pay.

(e) AGREEMENT.—An eligible employee of the Department of Energy provided an incentive under this section shall enter into an agreement with the Secretary to remain employed at the closure facility at which the employee is employed as of the date of the agreement until a specific date or for a specific period of time.

(f) VIOLATION OF AGREEMENT.—(1) Except as provided under paragraph (3), an eligible employee of the Department of Energy who violates an agreement under subsection (e), or is dismissed for cause, shall forfeit eligibility for any incentives under this section as of the date of the violation or dismissal, as the case may be.

(2) Except as provided under paragraph (3), an eligible employee of the Department of Energy who is paid a retention allowance under subsection (d)(2) and who violates an agreement under subsection (e), or is dismissed for cause, before the end of the period or date of employment agreed upon under such agreement shall refund to the United States an amount that bears the same ratio to the aggregate amount so paid to or received by the employee as the unserved part of such employment bears to the total period of employment agreed upon under such agreement.

(3) The Secretary may waive the applicability of paragraph (1) or (2) to an employee otherwise covered by such paragraph if the Secretary determines that there is good and sufficient reason for the waiver.

(g) REPORT.—The Secretary shall include in each report on a closure project under section 3143(h) of the National Defense Authorization Act for Fiscal Year 1997 a report on the incentives, if any, provided under this section with respect to the project for the period covered by such report.

(h) AUTHORITY WITH RESPECT TO HEALTH COVERAGE.—Section 8905a(d)(5)(A) of title 5, United States Code (as added by section 1106 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1598)), is amended by inserting after ''readjustment'' the following: '', or a voluntary or involuntary separation from a Department of Energy position at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)''.

(i) AUTHORITY WITH RESPECT TO VOLUNTARY SEPARATIONS.—(1) The Secretary of Energy may—

(A) separate from service any employee at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n) who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force.

(3) An employee with critical knowledge and skills (as defined by the Secretary) may

not participate in a voluntary separation under paragraph (1)(A) if the Secretary determines that such participation would impair the performance of the mission of the Department of Energy.

AMENDMENT NO. 34

OFFERED BY MR. LAMPSON OF TEXAS

At the end of title XXXIV (page 474, after line 8), add the following new section:

SEC. 3404. AUTHORITY TO CONVEY OFFSHORE DRILL RIG OCEAN STAR.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (referred to in this section as the ''Secretary'') may, without consideration, convey all right, title, and interest of the United States Government in and to the offshore drill rig OCEAN STAR, to the Offshore Rig Museum, Inc., a nonprofit corporation established under the laws of the State of Texas and doing business as the Offshore Energy Center (in this section referred to as ''the recipient'').

(2) RELEASE OF ASSOCIATED INTERESTS.—As part of the conveyance, the Secretary shall release any encumbrance and forgive any promissory note or loan held by the United States with respect to the drill rig.

(b) CONDITIONS.—Any conveyance, release, or forgiveness under subsection (a) shall be subject to the following conditions:

(1) The recipient must have at least 3 consecutive years experience in operating a drill rig as a nonprofit museum.

(2) Before the effective date of the conveyance, release, and forgiveness, the recipient must agree—

(A) to continue to use the drill rig as part of a museum to demonstrate to the public the recovery of offshore energy resources;

(B) to make the drill rig available to the Government if the Secretary requires use of the drill rig for a national emergency;

(C) that if the recipient no longer requires the drill rig for use as a museum dedicated to demonstrating to the public the recovery of offshore energy resources, the recipient shall, at the discretion of the Secretary, convey the drill rig to the Government; and

(D) to any other conditions the Secretary considers appropriate.

(3) The drill rig may not be used for commercial transportation or commercial drilling and production of offshore energy resources.

AMENDMENT NO. 35

OFFERED BY MR. BRYANT OF TENNESSEE

Strike section 554 (page 148, line 20, and all that follows through page 149, line 12) and insert the following:

SEC. 554. CLARIFICATION AND REAFFIRMATION OF THE INTENT OF CONGRESS REGARDING THE COURT-MARTIAL SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.

(a) CLARIFICATION OF EFFECT OF SENTENCE.—(1) Section 856a(b) of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is amended—

(1) by striking ''unless—'' and inserting ''unless the sentence (or a portion of the sentence including that part of the sentence providing for confinement for life without eligibility for parole)—'';

(2) by striking paragraph (1) and inserting the following:

''(1) is set aside or otherwise modified as a result of—

''(A) action taken under section 860 of this title (article 60) by the convening authority or another person authorized to act under that section; or

''(B) any other action taken during post-trial procedure and review under any other provision of subchapter IX;

(3) in paragraph (2), by striking ''the sentence''; and

(4) by striking paragraph (3) and inserting the following:

''(3) a reprieve or pardon by the President.''.

(b) OFFICERS SENTENCED TO DISMISSAL.—Subsection (b) of section 871 of such title (article 71) is amended by inserting after the second sentence the following new sentence: ''However, if the sentence extends to confinement for life without eligibility for parole, that part of the sentence providing for confinement for life without eligibility for parole may not be commuted, remitted, or suspended.''.

(c) ACTION BY CONVENING AUTHORITY AFTER SENTENCE ORDERED EXECUTED.—Subsection (d) of that section is amended by adding at the end the following new sentence: ''In the case of a sentence that extends to confinement for life without eligibility for parole, that part of the sentence extending to confinement for life without eligibility for parole may not be suspended after it is ordered executed.''.

(d) SECRETARIAL AUTHORITY TO REMIT OR SUSPEND SENTENCE.—Section 874(a) of such title (article 74(a)) is amended by inserting before the period at the end the following: ''or, in the case of a sentence that extends to confinement for life without eligibility for parole, that part of the sentence that extends to confinement for life without eligibility for parole''.

(e) PAROLE.—Section 952 of that title is amended by adding at the end the following new subsection:

''(c) Parole may not be granted for an offender serving a sentence of confinement for life without eligibility for parole.''.

(f) REMISSION OR SUSPENSION OF SENTENCE.—Section 953 of such title is amended by inserting in paragraph (1) after ''selected offenders'' the following: ''other than offenders serving a sentence of confinement for life without eligibility for parole''.

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER) for the purposes of a colloquy.

Mr. VITTER. Mr. Chairman, I would like to discuss with the gentleman from Virginia (Mr. BATEMAN) whether the committee was able to consider the issue of the Information Technology Center located in New Orleans, Louisiana.

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

Mr. VITTER. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Chairman, the mission of the Information Technology Center has recently been brought to my attention. This Center plays an important role in the development of information technology systems for the Navy and for the Department of Defense. For the last several years, the committee has been urging the Department of Defense to move away from military service specific, or stovepipe computer systems. The Information Technology Center, or ITC, is an example of new and innovative thinking on the part of the Navy.

Currently, ITC is examining military personnel information technology systems and is bringing an enterprise-wide approach to the development of Navy Systems Integrated Personnel Systems as well as the Defense Integrated Military Human Resources Systems. These major undertakings require innovative acquisition techniques, modular contracting, commercial off-the-shelf technology, as well as the consolidation and integration of existing manpower and personnel information systems.

I understand that to assist the Navy in proceeding with this worthwhile project additional funding is required. Unfortunately, no funds were authorized in the bill before us. It is my understanding that the other body has recognized the importance of ITC and has included additional funding.

I would say to the gentleman from Louisiana that I will do everything I can to ensure that the conference committee on this bill endorses this important program.

Mr. VITTER. Reclaiming my time, Mr. Chairman, I thank the gentleman very much, and I also want to pass along the thanks of the gentleman from Louisiana (Mr. TAUZIN) and that of the gentleman from Louisiana (Mr. JEFFERSON). We all appreciate the gentleman's speaking on behalf of the Information Technology Center and pledging his support, and we all look forward to working with him and other members of the committee.

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Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. VELAZQUEZ).

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

Ms. VELAZQUEZ. Mr. Chairman, I rise today to offer an amendment in cooperation with the gentleman from Missouri (Chairman TALENT) to protect and support our Nation's small businesses.

Mr. Chairman, we all talk about what a strong economy we have; and no one disputes the fact that small businesses are, in large part, responsible for this. It is almost cliche to say that small businesses are the backbone not just of our economy, but they also help to form the foundation of the cities and towns we call home.

America looks to small businesses to be the innovators and problem solvers everywhere, everywhere except in the case of the Federal Government. We are currently seeing a disturbing downward trend in the number of Federal prime contracts awarded to small businesses.

As an example, from fiscal year 1997 through fiscal year 1999 the number of prime contracts awarded to small businesses by the Department of Defense has decreased by over 34 percent; the number of contracts awarded to minority-owned firms has decreased by over 25 percent; and most dramatically, the number of contracts awarded to woman-owned businesses have decreased by over 38 percent.

These trends have been so alarming that the gentleman from Missouri (Chairman TALENT) and I have held two hearings on this issue in the first half of this Congress alone. During these hearings, we have found that the move by the Federal Government to streamline and reduce costs has resulted not in saving money, but in the unintended consequence of harming small businesses.

There is no truth, as far as businesses are concerned, that bigger is necessarily better. The Department of Defense, the largest purchaser of goods and services in the entire U.S. Government, has increasingly relied on the practice of contract bundling to the exclusion of small businesses. It has struggled with the dual roles of supporting the war fighter and awarding prime contracts to small businesses.

To solve this problem, the Velazquez-Talent amendment will direct the Secretary to conduct a comprehensive study of contract bundling and its effect on small businesses. To assist in this study, the Secretary, working with the General Accounting Office, is to develop a database containing information on all bundled contracts.

In a hearing before the Committee on Small Business in November of last year, the Department agreed to commission a study of contract bundling. Within 2 months it became evident that the Department has no data to conduct an accurate and comprehensive bundling study. This amendment helps the Department keep its promise.

Mr. Chairman, we are all aware that Federal agencies are operating in a do-more-with-less environment. We must ensure that the Federal marketplace is efficient. However, we must also provide for a Federal marketplace that includes the small business community. This amendment will go a long way to begin to level the playing field for small businesses.

I would like to thank the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking Democratic member, for their support of this amendment and our Nation's small businesses.

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

Mr. Chairman, I would like to speak very briefly on an amendment that is en bloc that I have offered, No. 25, which requests a GAO study of the value of the United States' military engagement in Europe.

Mr. Chairman, much has been said about burdensharing. Much has been said about American interests and troops being stationed in Europe. In an effort to understand where we are today, were we to look back in history, and had American and allied forces formed together as we have today in the NATO alliance, the Second World War would never have come to pass.

I think that a full study explaining the definitions and all the ramifications and include our Armed Forces and our strategies and the attempt to shape the international environment, a study such as this should be included.

I urge the adoption of the en block, which, of course, includes No. 25.

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

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER) for the purposes of a colloquy.

Mr. BUYER. Mr. Chairman, I speak in reference to Amendment No. 11 that makes technical corrections regarding the Army National Guard Selective Reserve, the Active Guard and Reserve, which are referred to as the AGR and the dual status military technicians regarding the end strengths for fiscal year 2001. Those technical corrections will be made.

I would like to enter into a colloquy with the gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Military Procurement.

As co-chair of the Guard and Reserve Caucus, along with the gentleman from Mississippi (Mr. TAYLOR), the chairman of the committee, along with the ranking member and the gentleman from California (Mr. HUNTER) it permits the caucus to work with Members to put together their concerns regarding funding the Reserve excepts along with the Guard. They permit us to put together these packages and then deliver to their committee.

We extend to our colleagues great compliments for accepting the first $250 million of the NGRE list. NGRE stands for the National Guard Reserve Equipment List. We worked very hard this year, working with the committee, to address the proportionality questions.

In this amendment, we have a technical correction with regard to what came out of the full committee regarding some of the funding, whether it was $52 million that goes directly to the Air Guard or was that really meant for the Army Reserve.

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

Mr. BUYER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman, first for working with us here on the floor, but, secondly, for chairing this caucus, along with the gentleman from Mississippi (Mr. TAYLOR), who have put in a lot of long hours working with the Guard and the Reserve trying to develop requirements and ultimately coming up with recommendations for the Subcommittee for Military Procurement.

Let me tell my colleagues what we worked for this year. We worked for parity. We did not have a lot of money. We had right at $300 million to spend on Guard and Reserve elements. The request we got from the gentleman and lots of our colleagues was let us have parity, let us have an even distribution of this money between the Guard and the Reserve, let us not have it all for the Guard or the Reserve.

I agreed to do that. I gave my word on it. And the gentleman put together, along with the gentleman from Mississippi (Mr. TAYLOR), a package of $250 million. We added the $50 million that we had available to that. So we came to a total of about $300 million.

We split it down the middle. In fact, we gave a little bit more to the Guard, about $158 million to the Guard, $153 million to the Reserve, but right down the middle between the two.

When we were putting the elements together in putting our bill together, our office made a mistake and we put the KC–135 reengining kits on the Guard side even though we had them in the reserve side when we put the bill together. That would have made the bill very lopsided for the Guard. It would have then gone to $218 million for the Guard, only $93 million to the Reserve.

I represented to the committee and to the subcommittee and to the gentleman that we were doing an even split. I gave him my word. And, of course, when we tell somebody that we are going to do something and we have a very thick bill, the gentleman from Indiana (Mr. BUYER) relied on my giving him that representation.

So, in this technical amendment, we are moving that item, the KC–135 reengining, the $52 million, back into the air reserve account, which is where we started out.

Mr. BUYER. Mr. Chairman, reclaiming my time, as I understand, that is two KC–135 engine kits at $52 million.

Mr. HUNTER. Mr. Chairman, if the gentleman will continue to yield, that is right. It is two KC–135 reengining kits. So if some folks that thought they were going to get those and not are not going to get them, give me a phone call. Our office made a mistake on that. We put the items in the wrong column. But we fixed it now.

For people who are proponents of both the Guard and Reserve, what we did again this year was try to give parity. We tried to give an even split on the few dollars that we have. We have lots more requirements. We are going to have to wait for another budget to get to those.

Mr. BUYER. Mr. Chairman, reclaiming my time, I want to thank the gentleman from California (Mr. HUNTER) again for working with us. He is absolutely correct with regard to parity. We have enjoyed our working relationship with the Guard and Reserve components. I look forward to working with the gentleman in conference.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

(Mr. HILL of Indiana asked and was given permission to revise and extend his remarks.)

Mr. HILL of Indiana. Mr. Chairman, I rise in support of this en block package and urge my colleagues to support it as well.

This package includes a couple of amendments that will help free up money for economic development in towns with old military installations. All communities should be able to use closed facilities as engines of economic growth. This is simply a matter of fairness.

I, too, have a closed military installation in my district. It is called the Indiana Army Ammunition Plant.

Unfortunately, under current law, some communities that lose military installations are treated differently than others.

Yesterday, I testified before the Committee on Rules about an amendment that I believe levels the playing field. My amendment would authorize the Secretary of Defense to convey former military installations in property communities free of charge. Of course, I hope that my amendment will be made in order. But I am pleased that we are helping the communities in this bill, and I urge my colleagues to support it.

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

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS) for the purpose of a colloquy.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Chairman, I want to thank the chairman for including my amendment regarding the Office of River Protection in the en bloc amendment.

Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding me the time.

Mr. Chairman, as the gentleman from California (Mr. HUNTER) is aware, the Office of River Protection at the Hanford site in my district is currently engaged in the world's largest and most pressing environmental cleanup project.

I would like to first thank the gentleman for his leadership on this project through the creation of the Office of River Protection in the Fiscal Year 1999 National Defense Authorization Act.

As the gentleman is aware, the Office of River Protection was created to manage the retrieval and treatment of waste at Hanford by removing the many layers of bureaucracy that impede cleanup and transfer authority back to the site. This model has proven itself to be an effective initiative because local experts have the knowledge and the authority to ensure the timely treatment of this waste.

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

Mr. HASTINGS of Washington. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the gentleman is correct to point out the very excellent model that was created by his amendment to transfer authority back to the site. Since its inception, the Office of River Protection has effectively managed the complex problems without layers of bureaucracy that very often stymie what we are looking for, and that is cleanup.

I am committed to the success of the Office of River Protection and congressional intent that the manager of the Office report directly to the Assistant Secretary for Environmental Management.

I would also like to commend the gentleman from Washington (Mr. HASTINGS) on his tireless efforts on behalf of his constituents impacted by the Hanford site. The committee values his input on how best to proceed with this cleanup project.

If I might, also, I just want to thank the chairman of the full committee, too, for his support in passing the football off to us and letting us run with it and put together the best program we could. That is kind of the trademark of the gentleman from South Carolina (Mr. SPENCE), whose quiet strength has led us through this markup and floor process. But I thank the gentleman for everything he has done.

There has been a lot of confusion at Hanford with the contractor that is now leaving rather abruptly from this project. There is some confusion in the Department of Energy. But there is one guy whose steady hand on the helm of this ship has been moving it steadily forward and will continue to move the Hanford site forward to successful cleanup, and that is the gentleman from Washington (Mr. HASTINGS). I thank the gentleman for what he is doing.

Mr. HASTINGS of Washington. Mr. Chairman, I, too, want to thank the chairman for his work on this.

Mr. Chairman, as my colleagues know, under the President's fiscal year 2000 budget request, the privatization account that we were alluding to at Hanford would receive $450 million. However, due to the recent developments that the gentleman mentioned with the lead contractor, privatization, unfortunately, is no longer a viable option at this time.

In light of these developments, the Department of Energy has identified a new path forward to ensure the timely cleanup of the waste. As a result of this new path forward, the Department identified and updated funding requirement of $370 million for fiscal year 2001 to fully fund the necessary design and long-lead procurement to keep the project on schedule.

Mr. Chairman, I ask the gentleman from California (Chairman HUNTER) whether he concurs with this.

Mr. HUNTER. Mr. Chairman, if the gentleman would continue to yield, yes. Over the last 2 weeks, largely as a result of his leadership, the Department of Energy has identified a need of $370 million in required work to keep the project on schedule in fiscal year 2001.

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What the gentleman from Washington basically asked us to do was to keep this thing going and make sure that the design and engineering work continued, that the procurement that was necessary was allowed to take place and that we had a contingency fund available so that we could keep the project moving forward and keep the commitments that the Federal Government has made to Washington State. As a result of the gentleman's leadership and direction, we put those numbers together and indeed did come up with the $370 million requirement that is going to be needed to keep the project going for the next 12 months.

Mr. HASTINGS of Washington. I thank the gentleman for his remarks. This issue is not confined just to my district in central Washington. In fact it is the whole Pacific Northwest. I would like to ask the gentleman if he will continue to work on the fiscal year 2001 funding level when we go to conference with the other body for the necessary $370 million of design and long-lead procurement needs for this project.

Mr. HUNTER. If the gentleman will continue to yield, absolutely we will continue to press for that figure, make sure that that amount of money is available. As the gentleman knows, there is money that is in the first $491 million that was a tranche of money that was approved initially for the BNFL contractor and that contract is now no longer with us. So there is some question in DOE as to how much is carryover and how much is not carryover, but we do agree because of the gentleman's leadership that $370 million is needed. I will work in the conference to make sure that we get that.

As the gentleman knows, the Department is currently unable to give us a firm funding requirement for 2001 due to the fact that they have ongoing contract negotiations right now that resulted from this new path that they are taking. I just want to assure the gentleman I will continue to work with him in conference and we will make sure that we fully fund that $370 million required for this work. So under the steady leadership of the gentleman from Washington, these other problems notwithstanding, we are going to continue to move the Hanford cleanup forward.

Mr. HASTINGS of Washington. I thank the gentleman for that commitment.

Finally, Mr. Chairman, section 3131 of the legislation provides a waiver of the requirement to accumulate a reserve for termination liability funding. Will the gentleman work with my office and with the Department of Energy in conference to assure that this

section is clarified to meet the needs that we are talking about within the River Protection Project in the future?

Mr. HUNTER. I will be very happy to work with the gentleman on this issue and make sure the section is carried out as intended. Again, the gentleman from Washington's guidance and advice is very important to our committee and our subcommittee. We thank him for his leadership on this issue.

Mr. HASTINGS of Washington. I thank the gentleman very much for his commitment. I thank the chairman for his commitment, also, on that. Their assurances to my constituents in central Washington and to all of us in the Pacific Northwest that the final legislation will contain full funding that has been identified for the work required this year is appreciated.

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

For the benefit of those who do not understand the purpose of the en bloc amendments, I might briefly explain that we had about 101 amendments offered to our bill. Many of these were noncontroversial, did not require a vote, and so we put them into the en bloc category. Others, we offered some suggestions as to how they could amend their amendment and they were accepted and we were able then to accept these without controversy and without vote, all of this with consultation with our ranking member the gentleman from Missouri. This has been agreed upon by both sides.

Mr. HINOJOSA. Mr. Chairman, I am in strong support of the amendment to H.R. 4205 offered by the Ranking Minority Member on the Committee on Small Business, NYDIA VELAZQUEZ. It has come to my attention, as a member of the Committee on Small Business, that the Department of Defense, to the exclusion of the growing number of small business owners in our nation, has relied on the practice of contract bundling. Furthermore, the Department has no objective criteria to justify the use of this mechanism. The result of this bundling is nothing less than devastating to small business, and additionally translates into higher costs to taxpayers due to the decreased competition.

The amendment offered by Ms. VELAZQUEZ expands the contract bundling study proposed in H.R. 4205 to require a Department-wide study on contract bundling. It further requires the Department to develop with GAO a database to monitor the effects of contract bundling. I am confident that this amendment will assist small business in combating the many problems relating to contract bundling.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of the enbloc amendment to H.R. 4205, and in particular thanks to the Chairman for incorporating this Member's amendment addressing the Asia-Pacific Center for Security Studies.

H.R. 4205 authorizes the Secretary of Defense to operate regional centers for security studies. Among those centers are the Marshall Center in Garmish, Germany, and the Asia-Pacific Center in Hawaii.

H.R. 4205 provides the Marshall Center with a waiver authority for reimbursement of the costs of conferences, seminars, courses or instruction, or similar educational activities for certain military officers and civilian officials within the European theater. It does not provide such a waiver authority for military officers and civilian officials in the Asia-Pacific region.

Countries in the Asia-Pacific region, even perhaps more than those in Europe, represent the entire economic spectrum. Many countries in the Asia-Pacific region that would greatly benefit from such education can not afford to send their officers or civilian officials. Bangladesh comes to mind, a country that provides peacekeepers as a major source of revenue can not afford to send their military officers or civilian officials to the Center where they would be exposed to our way of integrated security. We lose a national security objective by not being able to interact with these officers or civilian officials in an educational open forum. It is important that all our allies, regardless of their economic ability to do so, can attend and interact with not only our own forces, but with our other allies and friendly countries.

This Member would observe there is no mandated additional costs associated with this amendment. While the Secretary has the authority to waive these costs, as such, the costs must be absorbed within the Centers' budget. It provides for a management decision by the Secretary, not a budgetary burden on the American taxpayers.

It is important to stress here that countries that are prohibited by statute from receiving assistance funds will not be allowed to attend the Asia-Pacific Center. Military personnel of Cambodia and Burma, for instance, where direct government-to-government assistance of any kind is prohibited, would not be allowed to attend, much less receive any such waiver. Military personnel of the People's Republic of China, under the Tiananmen sanctions would not be allowed to attend. There are real safeguards in place to ensure such countries do not have the opportunity to attend the Center.

Mr. Chairman, this Member urges adoption of the Managers En Bloc amendment.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Hall-Hobson amendment offered as part of the Chairman's en bloc amendment. The amendment creates a 3-year program permitting the Air Force to offer early outs and retirement incentives of up to $25,000 for as many as 1,000 civilian employees each year for the purpose of maintaining continuity of skills among employees and to hire workers with critically needed technical skills. The early out and retirement incentive authority established in this amendment is similar to the authority already in the law for personnel reductions.

As The Washington Post pointed out in a week-long series last week, the Federal work force faces a crises. In the next five years, more than 50 percent of civil servants will be eligible to retire. The situation is even worse in the Department of Defense, where that figure is almost 60 percent. Unless personnel practices are changed, the Pentagon will lurch from a predominantly senior work force to one that is largely inexperienced.

At the same time, rapid advances in defense-related technology make it more critical now than ever before to maintain a defense work force with cutting edge technological skills.

Unfortunately, existing personnel laws do not give Defense Department managers the flexibility they need to keep up with rapidly changing personnel needs, especially in the scientific and technical fields. After more than ten years of much needed draw down and virtually no new hiring, the military services have been stymied in their efforts to acquire such personnel.

This problem is particularly acute for the Air Force because of its historically heavy reliance on science and technology. The preservation and advancement of our Air Force's high tech advantage is particularly important as new and uncertain threats to our country develop. Solving this problem is the Air Force's top civilian work force priority.

Moreover, this experimental pilot program will provide valuable information that can be used to address similar work force problems in the other services and non-defense federal agencies.

The amendment I seek to offer is similar to an amendment Mr. HOBSON offered last year to the National Defense Authorization Act which was adopted by the House, but which was not accepted in conference.

It is my intention that the Air Force will use the personnel slots created under the authority of this amendment to hire new workers and that the authority will not be used to reduce overall levels of civilian employment.

I thank the Chairman of the Armed Services Committee, Mr. SPENCE, and the ranking minority member, Mr. SKELTON, for their support of my amendment. I also thank Mr. SCARBOROUGH, chairman of the Subcommittee on Civil Service, and Mr. CUMMINGS, the ranking minority member, as well as their staffs, for their assistance.

And finally, I offer a special thanks to the amendment's cosponsor, Mr. HOBSON, and to his staff, for their critical help.

Mr. RYUN of Kansas. Mr. Chairman, I rise today in support of H.R. 4205, the Fiscal Year 2001 National Defense Authorization Act.

I would like to thank Chairman SPENCE and Chairman HEFLEY for including my amendment as part of the en bloc amendments, scheduled for discussion and vote later today.

Mr. Chairman, over one thousand World War II veterans die every day. A final honor bestowed upon these veterans and their families is burial at a military or veterans cemetery.

My amendment will enable the Secretary of the Army and the Kansas Commission on Veterans Affairs to agree to a transfer of property at Fort Riley, Kansas for the purpose of establishing a State-constructed, operated and maintained veterans cemetery.

Mr. Chairman, Congress is here to work for the people of the United States. The veterans organizations of the 2nd District of Kansas have worked hard to establish support both within the state and here in Washington, D.C. to support veterans that have sacrificed for our freedoms.

I ask my colleagues to support the passage of the en bloc amendments and continued support for final passage of H.R. 4205.

Mr. GILCHREST. Mr. Chairman, I rise in support of my amendment to the H.R. 4205, The National Defense Authorization Act.

This amendment is designed to urge the Secretary of Defense to add five additional Weapons of Mass Destruction Civil Support Team (WMD–CST) to the fiscal year 2001 defense bill.

At the direction of Congress, the Department of Defense recently expanded this program to embrace a total of 27 teams, known as WMD Civil Support Teams.

The WMD Civil Support Teams were established to deploy rapidly to assist a local incident commander in determining the nature and extent of an attack or incident; provide expert technical advice on WMD response operations; and help identify and support the arrival of follow-on state and federal military response assets. Each team consists of 22 highly-skilled, full-time members of the Army and Air National Guard.

The first 10 teams have completed their individual and unit collective training and are in the process of receiving highly sophisticated equipment. Each team has two large pieces of equipment: a mobile analytical laboratory for field analysis of chemical or biological agents and a unified command suite that has the ability to provide communications interoperability among the various responders who may be on scene. The first 10 teams will be certified as fully mission-capable later this spring, with the remaining 17 expected to come on line in early 2001.

The first 10 teams are based in Colorado, Georgia, Illinois, California, Massachusetts, Missouri, New York, Pennsylvania, Texas and Washington. The remaining 17 teams, announced in January, will be based in Alaska, Arizona, Arkansas, California, Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Maine, Minnesota, New Mexico, Ohio, Oklahoma, South Carolina and Virginia.

Surprisingly, our Nation's capital does not currently have a National Guard civil support team. The closest team is in rural Virginia or the center of Pennsylvania. These locations are too far away to provide comfort that my state, Maryland, will have adequate protection and civil support in the event a terrorist uses poison gas or germs in the Washington, DC or Maryland area.

Having a team available to deploy rapidly, assess the situation, and coordinate assistance with local first-responders is extremely important.

The WMD Civil Support Teams are unique because of their federal-state relationship. They are federally resourced, federally trained and federally evaluated, and they operate under federal doctrine. But they will perform their mission primarily under the command and control of the governors of the states in which they are located.

They will be, first and foremost, state assets.

Operationally, they fall under the command and control of the adjutant generals of those states. As a result, they will be available to respond to an incident as part of a state response, well before federal response assets would be called upon to provide assistance.

If the situation were to evolve into an event that overwhelmed state and local response assets, the governor could request the president to issue a declaration of national disaster and to provide federal assistance. At that point, the team would continue to support local officials in their state status, but would also assist in channeling additional military and other federal assets in support of the local commander.

It is essential to note that these teams are in no way connected with counter-terrorism activities. They are involved exclusively in consequence management activities. The civil support teams will link with the consequence managers in their jurisdictions. The WMD–CST will have robust planning and command and control capabilities and the ability to mobilize a military task force quickly in support of FEMA requests. It will also have rapid access to military forces and quick reach-back capability to subject matter experts, labs and medical support.

If terrorists release bacteria, chemicals or viruses to harm Americans, we must have the ability to identify the pathogens or substances with speed and certainty. The technology to accomplish that is still evolving, and current technology is very expensive, technically challenging to maintain, and largely unaffordable to most states and localities.

In this regard, my goal is to support America's fire, police and emergency medical personnel as rapidly as possible with capabilities and tools that complement and enhance their response, not duplicate it.

It is better to have these teams be funded, fielded and idle than to have no team at all. Every Governor should, and must, have the flexibility to call on a WMD–CST Team if the situation warrants.

My amendment to this year's defense bill will increase the number of WMD–CSTs to 32, providing greater coverage to the American population.

I support the efforts Congress and the Defense Department have made to establish state-controlled WMD Civil Support Teams, which leverage the best military technology and expertise available, to achieve that goal.

I thank you for the opportunity.

Mr. HAYES. Mr. Chairman, my amendment is very simple. I offer it to ensure that Section 3157 of the National Defense Authorization Act of FY'98 is consistent with Section 1211 of that same Act. In 1998, the Congress adopted to its defense authorization legislation provisions to establish export control thresholds for computer technology to tier III countries. We established those provisions in two places of the '98 legislation, Section 1211 and Section 3157. Since then, Congress has revisited Sec. 1211 and updated the threshold level to better reflect technological advancements. In modernizing the law, however, a slight oversight has been made.

While Congress made adjustments to Section 1211 to raise export control thresholds, it did not make the same necessary adjustments to Section 3157. My amendment ensures the MTOP level (millions of theoretical operations per second) included in Section 1211 is consistent with the levels included in Section 3157.

By no means do I intend to reopen the debate on MTOP levels and verification requirements. In fact, the gentlemen from California, the Chairman of the Rules Committee has ably engaged that very policy debate in this chamber today. Instead, I only wish to correct an inconsistency in our legislation that calls for two different standards.

Mr. BRYANT. Mr. Chairman, as many of my colleagues may recall, the FY98–99 Defense Authorization bill included my provision establishing a life without parole sentencing option in the Uniform Code of Military Justice.

What prompted me to push for a life without parole sentence involved the case of Sgt. Michael Teeter. Sgt. Teeter was sentenced to life in prison on June 10, 1980, by a military court for the brutal rape and murder of Eva Hicks-Ransom. The murder occurred in my district in Clarksville, Tennessee. After serving only 15 years of his life sentence, Teeter was granted parole.

Because the only alternative to a life sentence was the death penalty, I felt a new, life without parole sentence would provide a jury with a broader range of options depending on the severity of the crime. In cases where the death penalty was too harsh, but the possibility of an offender eventually re-entering society was unconscionable, life without parole would give the jury a reasonable alternative.

Since the creation of the life without parole sentence, however, the Department of Defense has issued an Instruction which states that a person sentenced to life without parole will still be eligible for clemency. Under clemency, a prisoner sentenced to life without parole can see his sentence reduced for good behavior and/or successful treatment after only 10 years. In theory, a person sentenced to life without parole could be released after serving just 15 years.

Mr. Chairman, Section 544 of H.R. 4205 does attempt to address my concerns about clemency by increasing the time before clemency can be considered from 10 to 20 years. While I appreciate the lengths to which full committee Chairman SPENCE and subcommittee Chairman BUYER have gone to address this issue, it was always my intent that a person sentenced to life without parole would spend the rest of their life in prison unless they were pardoned by the President. Clemency was not meant to apply. I strongly believe that the Defense Department misinterpreted the language establishing a life without parole sentence, and my amendment would replace the language in Section 544 with language which would clarify and reaffirm the intent of Congress that life without parole means life and that clemency does not apply.

I urge my colleagues to support this clarifying amendment.

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

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendments en bloc, as modified, offered by the gentleman from South Carolina (Mr. SPENCE).

The amendments en bloc, as modified, were agreed to.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, had come to no resolution thereon.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–237)

The SPEAKER pro tempore (Mr. GUTKNECHT) laid before the House the following message from the President

of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 410(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

WILLIAM J. CLINTON,
THE WHITE HOUSE, *May 17, 2000.*

RESPONDING TO CHALLENGE ISSUED IN OTHER BODY

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

Mr. HAYES. Mr. Speaker, I come to the floor today to respond to a challenge issued in the other body, the Senate.

Mr. Speaker, during the course of debate, the Democrat Senator from Iowa issued a challenge to Republican lawmakers. The Senator challenged any takers to a contest in trap shooting.

He said, and I quote, I take a back seat to no one in being a legitimate hunter. I hunt every year. I've hunted since I've been a kid. I'll take on anyone over there in trap shooting.

Mr. Speaker, the Congress and the Senate gathered on Monday to have a shoot-off. We had great competition. Conservation was the beneficiary.

I gladly accept the senior Senator from Iowa's challenge and will be glad to meet him for a charity shoot-off event. I look forward to coordinating this with him.

PREVIEW OF UPCOMING SPECIAL ORDER REGARDING PNTR FOR CHINA

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

Mr. DREIER. Mr. Speaker, I rise to inform my colleagues that after we get through the wonderful 5-minute special orders that people are going to be delivering here, I am going to take an hour or a good part of that 1-hour to talk about the single most important vote that will be casting this year, and that is whether or not we are going to pry open the markets with 1.3 billion consumers in the People's Republic of China so that our workers can export goods and services and other great things, including American values, into that very repressive society in the People's Republic of China.

We have got a lot of very, very interesting things, so I want to encourage my colleagues who are here in the Chamber to stay because it is going to be a very, very enlightening special order that I plan to deliver.

TRIBUTE TO HONORABLE PATRICIA A. HEMANN

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor a very special constituent and friend of mine, the Honorable Patricia A. Hemann, magistrate judge of the United States District Court for the Northern District of Ohio on the occasion of her receipt of the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction. The award is the OWBA's highest award for professional excellence.

Pat Hemann was the first woman magistrate judge of the United States District Court for the Northern District of Ohio. Previously she was in private practice for 11 years, litigating complex cases and becoming a member of the board of directors of Hahn, Loeser & Parks, LLP in Cleveland.

At the same time she actively mentored women and minorities, taking on issues that were vital to their inclusion in the legal community. In 1991, she along with Justice Alice Robie Resnick and another attorney, Pam Hultin, founded the Ohio Women's Bar Association.

It gives me great pleasure to rise today and join with the OWBA in congratulating Judge Hemann and wishing her continued success.

Mr. Speaker, I rise today to honor a very special constituent and friend of mine, The Honorable Patricia A. Hemann, magistrate judge of the United States District Court for the Northern District of Ohio, on the occasion of her receipt of the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction. This award is the OWBA's highest award for professional excellence and is bestowed annually on a deserving attorney who exhibits leadership in the areas of advancing the status and interests of women and in improving the legal profession in the state of Ohio. It gives me great pleasure to wish Judge Hemann my warmest congratulations on this truly special occasion.

Patricia Hemann was the first woman magistrate judge of the United States District Court for the Northern District of Ohio. Previously, she was in private practice for 11 years, litigating complex cases and becoming a member of the Board of Directors of Hahn, Loeser & Parks LLP in Cleveland.

At the same time, Judge Hemann actively mentored women and minorities, taking on issues that were vital to their inclusion in the legal community. In December 1991, Judge Hemann, along with The Honorable Alice Robie Resnick and Cleveland attorney Pamela Hultin, founded the Ohio Women's Bar Association. The OWBA is the only statewide bar association within Ohio solely dedicated toward advancing the interests of women attorneys while encouraging networking and the creation of statewide mentor program for women attorneys.

Judge Hemann volunteers at the Cleveland Public Schools and is also active in the Cleveland Bar Association as a trustee and as chair of the Justice for All Initiative.

Today, May 17, 2000, OWBA President Jami Oliver will be presenting Judge Hemann with the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction at its annual meeting in Toledo, Ohio.

It gives me great pleasure to rise today, Mr. Speaker, and join the OWBA in congratulating Judge Hemann and wishing her continued success.

AGAINST PNTR FOR CHINA

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

Mr. TANCREDO. Mr. Speaker, I have in front of me a letter from the Reserve Officers Association of the United States to the gentleman from Virginia (Mr. WOLF). I would like to refer to excerpts from it and then enter it into the RECORD.

DEAR CONGRESSMAN WOLF: Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the United States if we defend Taiwan. Just 4 years ago, China fired several live missiles in the Taiwan Strait, necessitating deployment of two American carrier groups to the area.

A report issued last month by the CIA and the FBI indicates that Beijing has increased its military spying against the United States. Less than a year ago, the Cox Committee reported that China stole classified information regarding advanced American thermonuclear weapons.

Additionally, Beijing has exported weapons of mass destruction to Iran and North Korea, in violation of treaty commitments. Finally, China's record of human rights abuses is well documented.

A recent Harris Poll revealed that 79 percent of the American people oppose giving China permanent access to U.S. markets.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, April 27, 2000.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: The Reserve Officers Association (''ROA''), representing 80,000 officers in all seven Uniformed Services, is concerned about the proposal to grant Permanent Normal Trade Relations (''PNTR'') to China.

ROA acknowledges the importance of our relationship with China, including our growing economic ties to China. Nevertheless, ROA believes that it would be a mistake to grant PNTR to China at this time. The annual process of reviewing trade relations with China provides Congress with leverage over Chinese behavior on national security and human rights matters. Granting PNTR would deprive Congress of the opportunity to influence China to improve its human rights record and behave as a more responsible actor on the national security stage.

Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the United States if we defend Taiwan. Just four years ago, China fired several live missiles in the Taiwan Strait, necessitating a deployment of two American carrier battle groups to the area.

A report issued last month by the CIA and FBI indicates that Beijing has increased its military spying against the United States.

Less than a year ago, the Cox Committee reported that China stole classified information regarding advanced American thermonuclear weapons.

Additionally, Beijing has exported weapons of mass destruction to Iran and north Korea, in violation of treaty commitments. Finally, China's record of human rights abuses is well documented.

A recent Harris Poll revealed that fully 79% of the American people oppose giving China permanent access to U.S. markets until China meets human rights and labor standards. On this issue, Congress should respect the wisdom of the American people. Now is not the time to grant Permanent Normal Trade Relations to China.

Sincerely,

JAYSON L. SPIEGEL,
Executive Director.

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 Indiana (Mr. BURTON) is recognized for 5 minutes.

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

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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 gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO WAYNE SHACKELFORD

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

Mr. COLLINS. Mr. Speaker, I rise today to pay tribute to a friend and colleague, one of the most outstanding transportation leaders in the Nation, Wayne Shackelford, Commissioner of the Georgia Department of Transportation. Commissioner Shackelford is retiring from the Georgia DOT in June, though he is a man of much energy and many talents who clearly will not retire from his involvement with the transportation community.

Wayne Shackelford has served as Commissioner of the Georgia DOT since 1991. During this time, he has guided the State, the region and the Nation through a decade which has experienced immense growth with massive demands on transportation and infrastructure requiring new and innovative solutions. Commissioner Shackelford met the challenges head-on. He is a man who chose to personally be involved in developing solutions for congestion and gridlock and exploring transportation alternatives.

Under the leadership of Commissioner Shackelford, Georgia has repeatedly been cited as having one of the most outstanding highway systems in the Nation. And as the State experienced explosive growth, the Commissioner worked to develop plans for commuter rail, light rail, increased intercity rail and improved bus service. With Georgia being one of the first States to have construction plans halted due to nonconformity with the Clean Air Act, Commissioner Shackelford worked with Federal, State and local officials to determine how best to meet both transportation and environmental demands.

As if these challenges were not enough, during his tenure the Centennial Olympic Games were held in Atlanta and under Commissioner Shackelford's leadership, the most comprehensive traffic and incident management system in the world was developed for the event.

Commissioner Shackelford also has been a leader in aviation. Well before Hartsfield Atlanta International Airport became the busiest airport in the world, he was an outspoken and vigorous supporter of the airport, recognizing its contribution to jobs and the economy of the State and entire Southeast. He has been an active supporter of general aviation and regional airport development and was involved in the development and implementation of the 1998 governors regional airport enhancement program to bolster small airports across the State of Georgia.

From Georgia to the Nation's capital and all across the country, Wayne Shackelford's involvement in transportation activities has earned him the admiration and respect of transportation officials at every level. Georgians were proud that one of their own was selected as President of the prestigious American Association of State Highway and Transportation Officials. Heading this national association, whose membership is composed of highway and transportation officials from each State, Commissioner Shackelford worked closely with his peers and colleagues, administration officials and Members of Congress to shape transportation policies for the 21st century, benefiting all States and particularly Georgia.

He also served as Chairman of the Executive Committee of the Transportation Research Board, perhaps the foremost national organization involved in transportation research, renowned for its professional and balanced approach to the issues. Commissioner Shackelford also served as National President of the Southeastern Association of State Highway and Transportation Officials as well as Chairman of the Executive Committee of the Intelligent Transportation Society of America.

As one can imagine, Commissioner Shackelford has also received innumerable citations and awards for his contributions to the transportation arena through the years. The record is clear that Commissioner Shackelford is one of the most outstanding officials in his field. However, it is the person of Wayne Shackelford that causes so many of us to hold him in such high esteem. He has always taken the time to listen and to answer. Though we have served in opposite political parties, he has always done everything possible he could to help.

□ 1745

He is known for a forceful voice that booms above most others, yet his attitude is just the opposite. He is known for treating others with the highest respect and regard. He has reached out to those representing every viewpoint, to bring about cooperation and coordination in the best interests of the citizens of Georgia and beyond.

So, Mr. Speaker, today it is my great pleasure to pay tribute to Wayne Shackelford, for the outstanding job that he has done, and for the awards, the citations and the offices which he has held. But, Mr. Speaker, more importantly, I pay tribute not to just his professionalism, but to Wayne Shackelford, the person. I am proud to have worked with him on behalf of the citizens of Georgia, and I am proud to consider him a friend.

SHOW OF FORCE WAS NOT NECESSARY

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

Mr. DUNCAN. Mr. Speaker, a few days ago on this floor I mentioned that most polls showed that the people thought that Elian Gonzalez should be

returned to his father. As a father, I could understand those feelings. I had very mixed emotions about that case.

But I said that regardless of how people thought the custody should be handled, all Americans should have been shocked and saddened by the way the excessive gestapo-like way the Justice Department handled that predawn raid at the home in Miami. I quoted Lawrence Tribe and Alan Dershowitz, two very liberal Harvard professors, who said that the way this was handled with the Justice Department taking the law into their own hands should be considered a real danger to the freedom of all Americans.

In the May 10 edition of the Conservative Chronicle, there is a column reprinted by Charley Reese, the nationally syndicated columnist, who last year was voted by C-SPAN viewers as their favorite or most popular nationally syndicated columnist. I would like to read most of the column that he wrote concerning this, because it expresses a lot of views that I think need to be expressed and people need to think about.

Mr. Reese wrote this: ''The comic book raid on Elian Gonzalez's Miami family is a new low, even for the Federal Government. Pointing machine guns and screaming obscenities seem to be standard operating procedure for Federal law enforcement officers, even when the only people to scream at and point guns at are unarmed Christian men and women and small children.

''The truth is that two unarmed female officers could have gone to that home during any normal hour and removed Elian Gonzalez without any danger to the child, to themselves or to bystanders. That Miami family has never once said it would resist. It has always tried to follow the law, which I should point out is not the same as Attorney General Janet Reno's whim. Instead, the feds chose to act as if they were raiding the hideout of Colombian drug dealers.

''The U.S. action was disgraceful. You don't transfer children at gunpoint. And I, for one American,'' Mr. Reese continues, ''I, for one American, am getting tired of Federal cops screaming profanity, pointing guns, and shoving around people who have not been convicted of any crime. This is not how a free society operates. It is how dictatorships and authoritarian governments act.

''The real message of this raid is how estranged the Federal Government is from the American people. The government apparently fears the people, and people who are feared are soon hated. The Federal Government has increasingly acted as if it has merely to speak, and all of us must lock heels and shout 'Sieg Heil.' Horse manure.

''Sovereignty in this country resides with the people. The government is our servant, not our master. The American people had better pull their heads out of that place where they cannot see and reassert their sovereignty before it is too late. There aren't any trends in Washington moving toward respect for the law and liberty. The trends are moving toward arbitrary and authoritarian government.''

Mr. Reese continues in this great column and says this:

''Reno's poor decision-making notwithstanding, the issue of custody is not as clear-cut as she makes it out to be. One of the points to be settled by the Appeals Court is can someone else speak for a child when the child's interest and that of the parent is in conflict?

''The heel-clickers are now pointing to pictures of Elian as if that proves their point. It doesn't. Nobody in Miami has tried to estrange Elian from his father. Their concern all along has been to keep Elian from being forcibly returned to Cuba without having his day in court, which Reno tried to deny him.

''It is the boy's father who has refused to go to Miami, refused to meet with the boy and family at any neutral site. Whether that is his decision or his instructions from the Cuban or American or both governments, I don't know. But I do know that nobody in Miami ever suggested that Elian would not be happy to see his father. They had talked several times on the telephone while Elian was in Miami.

''Once more the Clinton administration has shown its contempt for the law and contempt for the American people, especially conservative Americans. It has, from day one, taken exactly the same position as the communist dictator Fidel Castro. Those who think that Castro really cares about Elian should ask the old greybeard why he ordered his goons to drown more than a dozen children and their parents when they tried to escape Cuba in 1994.

''This administration has slapped in the face and insulted one of the finest groups of Americans within the United States, the Cuban exile community.''

I commend this column by Mr. Reese. I will place it in full in the CONGRESSIONAL RECORD. I say again that we should be very concerned when the Justice Department takes its law into its own hands and ignores very strong criticism from Federal courts of appeal.

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

SHOW OF FORCE WASN'T NECESSARY

(By Charley Reese)

MAY 1.—I had thought that there was nothing Bill Clinton could do that would make me think less of him than I already do. That was a mistake on my part.

The comic book raid on Elian Gonzalez's Miami family is a new low, even for the federal government. Pointing machine guns and screaming obscenities seem to be standard operating procedure for federal law-enforcement officers—even when the only people to scream at and point guns at are unarmed Christian men and women and small children.

The truth is that two unarmed female officers could have gone to that home during any normal hour and removed Elian Gonzalez without any danger to the child, to themselves or to bystanders. That Miami family has never once said it would resist. it has always tried to follow the law, which, I should point out, is not the same as Attorney General Janet Reno's whim. Instead, the feds chose to act as if they were raiding the hideout of Colombian drug dealers.

The U.S. action was disgraceful. You don't transfer children at gunpoint. And I, for one American, am getting tired of federal cops screaming profanity, pointing guns and shoving around people who have not been convicted of any crime. That is not how a free society operates. It's how dictatorships and authoritarian governments act.

The real message of this raid is how estranged the federal government is from the American people. The government apparently fears the people, and people who are feared are soon hated. The federal government has increasingly acted as if it has merely to speak and all of us must lock heels and shout ''Sieg Heil.'' Horse manure.

Sovereignty in this country resides with the people. The government is our servant, not our master. The American people had better pull their heads out of that place where they can't see and reassert their sovereignty before it's too late. There aren't any trends in Washington moving toward respect for the law and liberty. The trends are moving toward arbitrary and authoritarian government.

Reno's poor decision-making notwithstanding, the issue of custody is not as clear-cut as she makes it out to be. One of the points to be settled by the appeals court is: Can someone else speak for a child when the child's interest and that of the parent is in conflict?

The heel-clickers are now pointing to pictures of Elian with his father as if that proves their point. It doesn't. Nobody in Miami has tried to estrange Elian from his father. Their concern all along has been to keep Elian from being forcibly returned to Cuba without having his day in court, which Reno tried to deny him.

It's the boy's father who has refused to go to Miami, refused to meet with the boy and the family at any neutral site. Whether that's his decision, or his instructions from the Cuban or American or both governments, I don't know. But I do know that nobody in Miami ever suggested that Elian wouldn't be happy to see his father. They had talked several times on the telephone while Elian was in Miami.

Once more the Clinton administration has shown its contempt for the law and contempt for the American people—especially conservative Americans. It has, from day one, taken exactly the same position as the communist dictator Fidel Castro. Those who think that Castro really cares about Elian should ask the old greybeard why he ordered his goons to drown more than a dozen children and their parents when they tried to escape Cuba in 1994.

This administration has slapped in the face and insulted one of the finest group of Americans within the United States, the Cuban exile community. I expect that a lot of Florida Democrats will regret that in November.

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

(Mr. MINGE 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. SENSENBRENNER) is recognized for 5 minutes.

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

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

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

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–617 to reflect $115,000,000 in additional new budget authority and $113,000,000 in additional outlays for emergencies. This will change the allocation to the House Committee on Appropriations to $600,410,000,000 in budget authority and $625,192,000,000 in outlays for fiscal year 2001. This will increase the aggregate total to $1,528,615,000,000 in budget authority and $1,494,413,000,000 in outlays for fiscal year 2001.

As reported to the House, H.R. 4461, the bill making fiscal year 2001 appropriations for the Department of Agriculture, includes $115,000,000 in budget authority and $113,000,000 in outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski or Jim Bates at 67270.

GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, as I said during the one-minute speech I delivered just a few minutes ago, I am going to talk about this very important vote that we are going to be facing next week here in the Congress.

I will tell you during my nearly decade-and-a-half as a member of the minority, I often would utilize this special order time to talk about a wide range of issues, but during the past 6 years since we have been in the majority, since we have been very successful at implementing so many of those issues around here, I have not taken a lot of special order sessions to talk about public policy questions. But I think it is very important for us to talk about this one, because, as I have said, the vote that we will face next week that will decide whether or not we grant permanent normal trade relations to the People's Republic of China, which will allow the United States of America to finally gain access to that consumer market of China, is, as I said, at least, at least, the most important vote that we will cast in this session of Congress, and there are many who have come to me and said things, like Leon Panetta, the former White House Chief of Staff, the former Director of the Office of Management and Budget, the former chairman of the House Committee on the Budget, my former California colleague, said to me when I ran into him the other night, ''David, I believe this will be the most important vote of the decade.''

My colleague the gentleman from California (Mr. MATSUI), with whom I have been working very closely to put together bipartisan support for this vote, said that he believed that this will be probably the most important vote that will be cast during the entire Congressional careers of Members.

I, for that reason, felt it important to take some time to explain why it is that this is such an important vote and to try and clarify some of the very confusing statements and, frankly, some of the inaccurate statements that have been put forward by a number of people who are opponents.

Let me begin by saying that I share the concern that opponents have raised about a wide range of issues. In fact, I would like to say that I will take a back seat to no one when it comes to demonstrating outrage over the human rights policies that we have seen in the People's Republic of China, or anyplace in the world, for that matter.

I am very concerned about the fact that we have an imbalance of trade. I am very concerned about the continued threats that we have observed from Beijing to Taipei, the most recent one having been made today. I am very concerned about religious persecution that exists in China. I am very concerned about the people who are in Tibet and have been mistreated.

So as we go through these issues, it is important for us to realize that this is not, as many have described it, simply a desire on the part of the proponents to line the pocketbooks of the U.S. business sector of our economy and worshipping at the altar of the all-mighty buck. That is an absolutely preposterous claim that the opponents have made.

Those of us who have embraced this policy do so because we recognize that the single most powerful force for positive change in the 5,000 year history of Chinese civilization has been what? Economic reform, reform of the economy which began in 1972 with Deng Xiaoping's embrace of what was known as, following the Shanghai Communique, dramatic economic reforms. Those economic reforms have led to some tremendous changes that are positive in China.

Guess what? Not many people are aware of this. There are more shareholders, more shareholders, in the People's Republic of China today than there are Members of the communist party. There are in fact today in China people who have their own small businesses. So we have private property recognized, we have a entrepreneurial class that is recognized, and we have these very, very bold and dynamic reforms that Premier Zhu Rongji has put into effect which have led towards privatization, decentralization. He has closed down state-owned entities.

These reforms are things that cannot be ignored. And, guess what? These are the kinds of reforms that are based on what we in the United States of America believe in, and that is individual responsibility and initiative, pursuit of the free market, opportunity.

Now, I am not claiming that life is perfect in the People's Republic of China. In fact, life is not that great in the People's Republic of China. We need to address religious persecution, human rights violations, the threats toward Taiwan, the transfer of military weapons and technology to Pakistan and Iran and other spots. Those sorts of threats are very, very important and we need to address them. But in trying to address those, we should not consider withdrawing the one good thing that exists there, which has been the economic reform.

Now, I am one who has actually sat down and gone through the full intelligence briefing on this issue, on the national security question, and I asked myself, how is it that we can deal with the espionage problem and those other things that are out there? I say, well, suppose we have the opportunity to close off the United States of America, to prevent any opportunity for access to be gained in the United States of America. But, guess what? We live in a free society today, and that is not going to happen. We are not going to see the United States of America close itself off to the rest of the world.

So while we are concerned about things that have taken place in China, what is the best way for us to deal with those concerns? It is to do everything within our power to open it up, to get in there.

Now, what we have before us is a vote which will be coming next week that, for the first time ever, we are going to not say, as we have for the last two decades, simply that China, the People's Republic of China, will be able to gain one way access to the U.S. consumer market by selling their goods and services here at very low tariffs, being able to get into our consumer market. What we are saying is now we have the reverse situation, where we are going to, by seeing China accede to the World Trade Organization, which, of course they will be able to do anyway, so the U.S. worker and U.S. businesses will be able to gain access there, we will be, again, prying open that market, with a population that approaches five times that of the United States of America. We are the third most populous nation on the face of the Earth, behind the People's Republic of China and India, which has just now gone to a billion people. We are the

third most populous. Yet the most populous nation is nearly five times the size of ours. So, think about that; the chance we have to open up that market is one which we would be foolish, foolish, to deny.

I see this vote that we are going to face as a win-win-win. It is a win for our first class U.S. workers, and it is a win for our farmers in this country.

□ 1800

Earlier today a news conference was held by members of the Committee on Agriculture in which they were pointing to the fact that an opportunity to export U.S. agricultural products into the People's Republic of China is a very important thing.

The chairman of the Committee on Agriculture, Mr. Combest, last night took some time here on the floor to talk about the importance of that. So it is a win for our workers. It is a win for businesses and farmers. I am convinced that when Americans compete, Americans win. We have proved that time and time again.

The thing that I want to talk about this evening, that I believe is very, very important, is to talk about American values and our quest to spread those American values throughout China, and frankly throughout the world. The rest of the world is embracing those American values. We know that to be the case, not universally, but it is spreading.

This building in which I am standing right now is a symbol throughout the entire world of freedom and liberty, and that kind of freedom is today taking place. I mean, we are taking bold steps forward in China.

What I would like to do is, again, point to the very serious problems that exist there, realize that there are many people who have been victims of the repressive policies in China, who have said time and time again, and just as to my colleague, the gentleman from Pennsylvania (Mr. PITTS) pointed out, that it is very, very important for the U.S. to grant permanent normal trade relations if they are going to have a chance to gain further freedom and further liberty.

The power of the United States to get those values in has been enhanced through technology. Today there are 70 million cellular telephones in the People's Republic of China. Now what does that say? It says that people are communicating. We knew that the spread of fax machines brought down the evil empire and the Iron Curtain. Similarly, we are able to get our values spread throughout China with fax machines and, of course, the World Wide Web is one of the best ways to get our values spread throughout there.

Just a few years ago there were roughly 4 million Internet users, computers in China. Today we are up to 9 million. That is going to continue to grow dramatically in the coming years.

Why? Because the proverbial genie is out of the bottle and they cannot put the cap back on it. Yes, they have tried to control the Internet, but as someone pointed out not too long ago, a kid can crack through the kind of protection and limitation that the government has tried to impose. So the genie is out of the bottle.

I believe that the leaders of China understand that. Why is it that they are embracing this? Well, there happens to be a great deal of poverty that exists in China, and they know that in dealing with the couple of hundred million people who live in poverty in China, that the best way for them to see their standard of living to improve is to continue with economic reform. That is really what has led them to do that.

A number of my colleagues have sent out letters in opposition to this, in which they have somehow described this as a gift, a gift, to the leadership in Beijing. If the people in Beijing want this, it is obviously bad for the people of China, bad for the United States of America and bad for the rest of the world.

I not only do not see this as a gift, Mr. Speaker, I see this as, again, the best way to undermine the repression that exists in China and has existed there.

Now I would like to get very specific and point to a couple of individuals who have really stepped forward and indicated that this vote will, in fact, be the best way to deal with the human rights situation that exists there.

One is a statement, and this is from a dear colleague letter which I would commend to all, that I suspect is on the Web page of the gentleman from Pennsylvania (Mr. PITTS), and I know that that would be available to our colleagues, but this is a dear colleague letter that he sent out from having met with a number of religious leaders, and I would like to share some of the quotes. This is a statement from Zhang Rong-Liang, and I will not say who he is because he describes it, and this is the statement that he has released. He said, I am a leader of a Chinese house church and a co-worker of the Unity Movement of China's church. I have been in ministry for 20 years. It will have a direct impact on China if it joins WTO and keeps its door open to the outside world.

As a result of it, Christians from overseas can enter China in great numbers, thus challenging the ideas and old thinking of the Chinese people. By keeping itself open to the outside world for over the past 10 years, the door of the gospel has already gradually opened as China undergoes its open door and reform policy. If China cannot enter WTO, that means closing the door on China and also on us Christians.

Now, that is the statement from Zhang Rong-Liang, who is one of obviously the religious leaders in China.

Now, I am happy to also state that I just received a letter that came to me last week from the Reverend Billy Graham. Many people have talked about the fact that religious leaders in this country are opposed to this because of the problems that exist in China. Well, Billy Graham is clearly one of the most respected human beings not just in the United States, but throughout the world because of the inspirational leadership that he has provided.

I would like to share the letter that he sends because he does not actually come out and say we need to vote for permanent normal trade relations because Billy Graham, and I have a great deal of respect for him, because of this, does not inject himself into political debates; but he did feel so strongly, as we head towards this, that he wanted me to share this with my colleagues.

He says, Dear Congressman DREIER, thank you for contacting me concerning the People's Republic of China. I have great respect for China's long and rich heritage and I am grateful for the opportunities I have had to visit that great country. It has been a tremendous privilege to get to know many of its leaders, and also to become familiar with the actual situation of religious believers in the People's Republic of China. The current debate about establishing permanent normal trade relations with China raises many complex and difficult questions. I do not want to become involved in the political aspects of this issue. However, I continue to be in favor of strengthening our relationship with China. I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than to treat it as an adversary. In my experience, nations can respond to friendship just as people do.

While I will not be releasing a formal statement on the permanent normal trade relations debate, please feel free to share my view with your colleagues. May God give you and all of your colleagues His wisdom as you debate this important issue.

I think that that is a very telling statement from Reverend Graham. He is not injecting himself into the debate, but he knows that next week we are going to be voting on this, and he does talk about the importance of having a relationship with China which does, in fact, include openness and extending a hand.

I believe that if we look at what has taken place, again, at the last decade, that Reverend Graham has said that if one goes back to 1992, there were 200,000 Bibles distributed throughout China. Mr. Speaker, last year 2 million Bibles were distributed throughout China. So this opportunity to spread the gospel, to spread our goal of western values, is one that has been dramatically enhanced since in the last couple of decades we have had this policy of openness.

I would also like to share a statement. One of the most prominent dissidents in China is a man called Tong Bao, and he lays out a very key division about the issue of human rights

and that aspect of the debate. While everyone supports greater freedom and democracy in China, Bao points out that some want things in China to get as bad as possible, primarily, through the denial of commercial relations. And it is true, there are some who want things to get as horrible as possible as Tong Bao points out.

Now, I believe that since we have observed not a perfect society but improvements, we need to do everything within our power to make sure that those positive things continue.

I have lots of other thoughts on this, but I am happy to see that several of my colleagues have entered the Chamber, and at the direction of my friend from Dallas who is on the Committee on Rules, I would like to recognize my very good friend, the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding.

I want to congratulate the gentleman for having this special order. I have been somewhat disappointed, I have to say, at the way this issue has been framed, both by the opponents and by the administration. This is a very, very important vote, and unfortunately there is a misunderstanding among an awful lot of Americans that somehow we are giving up an enormous amount to the Communist Chinese under this agreement. Really, the exact opposite is true. Under this agreement, what happens is the Chinese lower their tariffs from somewhere in the neighborhood of about an average of about 27 percent down to a level more like the rest of the world deals with, for us to get into their markets.

The Chinese already have almost unlimited access to American markets, and that is part of the reason we do have a very large trade deficit with the Chinese. That is true. It is also true, there are human rights problems with China. The way they deal with Tibet, the way they deal with religious leaders in China, all of those things, there is at least a strong degree of truth to it.

I really do have to fault the President and the Vice President for not doing a better job of explaining to the American people why this is important and what is at stake.

Recently I had a chance to visit with some people from the administration, some of the highest ranking people down at the White House, and I suggested that the President give an Oval Office speech to the American people, and in that speech I really think he needs to reframe what this debate is about. I really believe it comes down to this: This is really a debate between those who believe that America can compete in a world marketplace and those who believe that we cannot. And I for one am not willing to give up on American farmers, American workers, American businesspeople, American entrepreneurs, and most importantly, I am not willing to give up on American ingenuity.

Someone that we admire greatly, jointly, Winston Churchill, said at the beginning of the last century, when he first entered the stage, how important trade was, and he said that the countries that master trade and develop the newest technologies and are willing to compete in the world marketplace, those are the countries to bet on. He was absolutely right then, and it is true today. So this is a debate between people who believe at the end of the day America cannot compete in a world marketplace and those who believe that we can.

Mr. DREIER. If I could reclaim my time, I would just say that Winston Churchill was obviously one of those on the cutting edge of the establishment of what was the initial organization that has today become the World Trade Organization. It was in 1947 and it was the general agreement on tariffs and trade, following the war, we observed an effort made by the free countries in Europe and the United States, who came to the realization that protectionist policies, in fact, played a role in the rise of the Third Reich. And if you look going back to the Smoot Hawley Tariff Act, which, I am embarrassed to say, it was a Republican initiative, but I should say it was a Republican initiative that began as a tariff reduction measure and ended up being the greatest tariff increase since 1893, but it led to the Great Depression, and I believe and most economists agree that those protectionist policies strengthened the hand of Adolph Hitler.

Well, following the defeat of Nazism, we saw the free countries come together and realize that the goal of eliminating tariff barriers was a very, very important priority. So in 1947, when the general agreement on tariffs and trade was established, that was the goal, and it has had a great deal of success over the years, and then in the middle part of the last decade, we established the WTO, which has been the follow-on organization, heavily criticized by many people in this Congress and around but, in fact, it has continued with that goal of tax reductions because we all know a tariff is a tax, so it has continued that pursuit of tax reductions.

My friend mentioned a 27 percent tariff level which exists. In fact, we export about 600 automobiles per year to the People's Republic of China. The tariff on automobiles is 45 percent. Now, under this WTO structure, with that tariff level reducing, it seems to me that we will have a greater opportunity to export more U.S. manufactured automobiles into the People's Republic of China, and in light of that, while we have the United Auto Workers and other friends of ours within organized labor adamantly opposing this measure, why are they doing it, I ask rhetorically? Because we know if the tariff barriers come down in the PRC, the chance to export more automobiles is enhanced.

□ 1815

So what I have concluded is that the pro-union member vote is for permanent normal trade relations, because the U.S. worker, which is the most competitive and dynamic and successful on the face of the Earth, will have an enhanced opportunity to get that expertly crafted vehicle or other good into the People's Republic of China.

I think we have a wonderful, wonderful opportunity to benefit the U.S. worker. I think that while a lot of us have become friends with some of the union leadership here in Washington, I think that union members are being ill-served by this call by union leadership to oppose the granting of permanent normal trade relations.

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

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for having this special order. I hope the people at the other end of Pennsylvania Avenue would realize this is a very important vote. If it is left to some other people to define the terms and conditions of this debate, we could lose. I do not mean just we who support PNTR. I think the American people could lose. If this vote goes down, I think this is a loss that will take literally generations to recover from.

Let me just say in closing, I think virtually every economist worth their salt has come to the conclusion that free markets, free people, ultimately lead to a much higher standard of living, and that is true literally from the days of Venice. If we look at all of the great city states and countries that have shown great economic prosperity for their times, the one thing they all had in common is that they were trading nations.

We must be a trading Nation. We must be engaged in the world market. We cannot ignore China. To try and wall it off now, as we enter the next century, it seems to me would be a mistake of historic proportions.

Winston Churchill was correct: Free markets, free people, free trade, lower tariffs, ultimately raises the standard of living of all people.

Mr. DREIER. My friend is absolutely right. I thank him very much for his very thoughtful contribution to this debate and for his strong support of this.

I am not going to argue with him, but I will make one point in slight disagreement. That is, I do not make it a pattern of standing here and praising President Clinton unless he is right.

In the 1992 campaign, he opposed George Bush, saying that a policy of engagement and trade with China was wrong. We Republicans have stood firmly as a party for free trade since the failure of the Smoot-Hawley Tariff Act in the 1930s. Guess what, President Clinton has come to our position on this.

I can criticize his trade policy, and my good friend the gentleman from Arizona (Mr. KOLBE) is here and we can

talk about fast track negotiating authority, about his statements in Seattle last December, about the fact that a year ago last month when Zhu Rongji was here with a terrific deal on WTO, better the one we ended up with, the President made a mistake in turning that down. So there is room for criticism.

But I do believe that the event that the President held, which had former President Jimmy Carter, former President Gerald Ford, former Secretaries of State from past administrations, did in fact bring together a bipartisan coalition.

Again, everyone knows that Republicans are going to be providing many more votes for this than Democrats are, because the Republican party is the party of free trade. But there are some thinking Democrats who have agreed to support this, and I congratulate and welcome their support.

I would like to continue, as my friend, the gentleman from Minnesota (Mr. GUTKNECHT) has, to encourage the President to continue his work. I think it would be great if in the next week he could go on television and make as compelling a case as he possibly can.

Today the presumptive Republican nominee for President, George W. Bush, made a spectacular speech in Seattle, Washington, in which he talked about the benefits of trade. So we do need to do this in a bipartisan way.

In many respects, if we look throughout history, trade has been a bipartisan issue. We want to do everything we can to encourage that. I welcome President Clinton to our position, even though he was dead wrong in 1992 when he was campaigning for President. I thank my friend for his contribution.

Let me just say that there is no one in this House who has done more on behalf of the cause of free trade than the gentleman from Arizona (Mr. KOLBE). He is an expert on it, has a great understanding, and has provided inspiration and leadership to many of us.

I had the privilege of attending the world economic forum at which President Clinton said in his remarks that it would be a grave mistake for the future of the United States if we did not do that. I attended that meeting, along with my friend, the gentleman from Tucson, Arizona (Mr. KOLBE), and most recently he led a great delegation for the largest congressional turnout in two decades for the Mexico-U.S. Interparliamentary Conference. On a wide range of these issues he has done a great job. I am happy to yield to the gentleman from Arizona (Mr. KOLBE), and I would compliment him on his sartorial splendor at the same time.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for taking this special order tonight, and I thank him for his statements.

As I was listening to his opening remarks, it occurred to me that those of us who have been proponents of permanent normal trade relations, of developing this relationship with China, have perhaps been falling down on the job. We have been so busy talking to our colleagues, so busy working the issue, that we have not really taken the time I think sometimes to explain not only to our colleagues but to the American people the benefits that flow from permanent normal trade relations with China.

I think those benefits are many. We have heard many of them talked about here tonight, particularly in the economic area. I thought I would just emphasize one that perhaps has not yet been talked about. That is what I believe is the importance of this vote, this decision to grant PNTR to China as it relates to what I would call a national security issue for the United States.

It is an important national security issue. In fact, I would argue that this may be the most important national security issue that any of us in this Congress will face in these 2 years, or perhaps in the last decade.

As we have seen the end of the Cold War come a decade ago, we have now struggled as the United States has tried to find exactly its role in the world. Today I think we clearly can see that the U.S.-China relationship is going to be the most significant relationship that will occupy the face of the Earth over the next 50 years.

We have an opportunity to get this right, to not find ourselves thrust into another cold war, as we did at the end of World War II, but to have the opportunity to engage China, not necessarily to agree with them, not necessarily always to be friends with them, but to have a constructive engagement so we can have a dialogue, a political dialogue, as well as an economic dialogue with China.

I believe that when we do that, that both countries will benefit and the world will benefit because the United States and China are engaged in a constructive dialogue.

We do not need to spend more of our money than we have to, than we should have to, on arms. We do not need to spend it in fearing a confrontation with this large country. We need to be engaged with them. That is why I believe this is of such importance.

I think the Chinese understand that, as well. Zhu Rongji knows very well that his opportunity to cut the cord from the State-owned industries in China depend on his joining the global forces that are at work around this Earth today. He knows becoming a member of the World Trade Organization is absolutely critical to doing that. So he is fighting his own battle within China.

Perhaps that is not well understood by some of the people here in this body or in the United States, but he has his own struggle against those who would not seek reform in China. He clearly stands on the path towards reform.

In helping China become a member of the World Trade Organization through granting permanent normal trade relations so we can have this relationship ourselves with China strengthens the hand of reformers in China. I am convinced, and I know my colleague knows as well, believes this as well, that with economic reforms, political reforms will follow.

We saw that in Taiwan, we have seen that in South Korea. We have seen it even more recently in Mexico, a neighbor directly to our south, as they are going through major political changes today. Economic reform leads to political reform. When people have choices in the economy, when they have more opportunities, more wealth, more choices of the goods they have, they will also want to have the same choices in the political realm.

I believe very strongly that this is a national security issue for the United States. Those who would vote against it because they believe that China is an adversary of ours need to think twice about that, because indeed, we have an opportunity not to let them become an adversary, but to have them on a constructive path, not always where we are going to agree with them, not always where we are going to be friends with China, but to at least engage them. I believe that is why this vote is so important.

Mr. DREIER. Mr. Speaker, I thank my friend for his very thoughtful contribution. I will say that as the gentleman was speaking, I was reminiscing in my mind about 7 years ago when we stood at this table as a team debating the question, should U.S. trade policy be used to enforce human rights.

We took the negative in one of the three Oxford-style debates that were held here in the Congress. One line that we used over and over and over again was that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression.

When my friend mentioned Taiwan and South Korea, and the fact that we are going to be seeing on July 2 a very historic election, for the first time in seven decades we may see an opposition party in fact win the election there.

It is just an incredible thing to see the kind of political pluralism that has spread throughout Mexico, but also in this hemisphere two other countries that immediately come to mind in the last decade and a half, countries in which we have had very strong economic engagement and we have brought about political reform, who can possibly forget the very repressive human rights policies that existed in Chile?

In that country we for years saw a strong economy. They were the only country during the decade of the 1970s and 1980s that was successfully servicing its debt as many other countries in South America were having a great deal of economic difficulty. We maintained strong ties there. That economic involvement I believe played a

big role in bringing about political pluralism, the recognition of human rights, and an overthrow and change of the repressive policies of Augusto Pinochet.

Similarly, in Argentina we saw very repressive policies, and again, bold economic reforms there. In fact, they moved in many ways in Argentina, as we know, more boldly than the United States in the area of economic reform, and that brought about the recognition of political freedom. So the way my friend appropriately described the interdependence of economic and political freedom is right on target.

I am happy to further yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Very briefly, because I also have an obligation downtown, and I know there are other people waiting to speak here this evening, but I thank the gentleman for yielding to me. I also want to thank him for taking this special order tonight.

As I do, I want to thank the gentleman for his leadership. There has been nobody in this House of Representatives that over the years has been as stalwart on this issue as the gentleman has been. His leadership now in the Committee on Rules has been absolutely essential to this. I think this country owes him a tremendous debt of gratitude. I am very grateful to him. It is a great opportunity and a privilege to work with the gentleman on this issue.

Frankly, I look forward and I am confident that we will have victory next week on this issue, because I believe the American people want to see us have this permanent normal trade relations with China.

Mr. DREIER. I thank the gentleman very much. If the gentleman was to continue those sorts of kind remarks, I would hope that the gentleman would cancel that event that the gentleman is headed to downtown and continue talking that way. I understand that the gentleman has probably said all the nice things about me that he possibly could, so he should get off to his event now.

Mr. Speaker, I am happy to yield to the gentleman from Dallas, Texas (Mr. SESSIONS), my good friend and an able member of the Committee on Rules.

Mr. SESSIONS. I thank the gentleman from California (Mr. DREIER), my chairman, for yielding to me, and would like to pick up on the same comments that our colleague, the gentleman from Arizona (Mr. KOLBE) talked about.

For those who are listening to this, I would say to my chairman that we have just ended just a few minutes ago the meeting that we had, what is called a whip meeting, the permanent normal trade relations meeting. A good number of Members are around and very excited.

We had a great report today not only about the status, what we call the whip check, but we also took comments and feedback from a number of Members of not only their concerns but also their ideas about what this all entails, what this PNTR stands for, the importance not only for America, but we broke it down during this meeting. We talked about the farmers, we talked about middle America, we talked about the importance of them being able to open up markets and get markets around the globe that will be available to them; in particular, China.

How about if the people from Texas or the Midwest were able to sell an extra just one, one hamburger a day to every person in China? A billion hamburgers a day would be consumed. We talked about people who are in telecommunications and commerce in this country, the things that they develop. We know that many times it is not only goods and services, but it also includes intellectual property, the things that are developed as a result of the computer age, the technology that America has.

□ 1830

And what is put at risk by this and China becoming a member of the WTO is nothing less than as I or United States Customs officials will tell us, them being in China and going throughout the stores in China, which in some sense are just like America, they have the Wal-Marts and the Biz-Marts and the everything marts, but on their shelves are many of the same items that we would have in America by a different name, because you see they do not have to follow the trade policies of the general world community.

They can have what are called pirated software, pirated pieces of information, and that is the intellectual property that belongs to America. When they are a part of normal trade relations and WTO, they will participate with America and be trading partners. They will be interested in making sure that what is on theirselves is a relationship between the American company that makes this and the Chinese worker that will buy it.

Continuous improvement, we talked about that being at risk. We talked about what is being at risk in terms of the ability that we have in our country to ensure that our national security, as well as the freedom in China is further. I can think of no better relationship to have with the country to continue being friends then to reach out to them and offer them not only the handshake of economic opportunity and trade, but also for them to become more like America. This is how they become more like America.

Mr. DREIER. If I can reclaim my time on that point, I would say our quest to have them become more like America is one which is, as my friend, the gentleman from Texas (Mr. SESSIONS) has said very appropriately, is recognition of the rule of law, and he touched on the fact that piracy has existed, the so-called intellectual property debate, and it is an important one. The promotion of the rule of law is key to that relationship.

And we have made great strides in our quest to improve it. I know of people in this government who have been working very hard for years to try and promote that rule of law, because that, again, recognition of private property and, again, intellectual property is something that we cannot ignore and is a very important part of the debate.

And one person who I think has underscored the importance of that has been Martin Lee, who a week before last met up in our Committee on Rules office and talked with a few of our colleagues about the issue. Martin Lee is someone who some may have forgotten. If we go back nearly 3 years ago, to 1997, when we observed the handover of Hong Kong from British colonial rule to the People's Republic of China, Martin Lee has been on the cutting edge in Hong Kong as the greatest promoter of democracy and freedom and human rights.

He came to Washington as the great champion of human rights and democracy in Hong Kong to say that he believed that it is so important that we grant Permanent Normal Trade Relations. Now, this is not someone who is involved with industry and all the disparaging remarks that have been made by opponents of Permanent Normal Trade Relations. He is not a part of that camp.

He is one who simply focuses on democracy, the rule of law, freedom and opportunity, and he has made great sacrifices in the pursuit of that. And in his statement, he said that China's WTO membership, and I quote, would not only have economic and political benefits but would serve to bolster those in China who understand that the country must embrace the rule of law.

He understands that it is very key to the promotion of the rule of law for China to become a member of the World Trade Organization.

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

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

Mr. SESSIONS. Mr. Speaker, it is this infancy that we are talking about of the idea of democracy, a fair play of world order, and what is interesting is that reformers in China are those who are asking for America to recognize them and for what they are trying to accomplish. That is why PNTR; that is why WTO.

And after watching China, and I know the gentleman from California (Chairman DREIER), not only as a Member of Congress for a longer period of time, but also just his esteemed vision of China for quite some time. We know that what happens is that when China joins this organization of world nations that what they will do is then begin to have a different agenda and instead of it being an adversarial one where, perhaps, it might manifest itself in the use of force, I believe and they believe that it will manifest itself to looking inward to China.

The changes I believe and others espouse is that foreign or outside pressure will not be that which is the catalyst for change in China. It will be what is inside that comes from the people, that comes from the heart, which comes from their own ingenuity, which comes from their own spirit for freedom. And if we are able to match our can-do attitude, American ingenuity, with Chinese desire, we can create a catalyst that will change even the coldest heart. It is these things that America needs to stand for.

Mr. DREIER. Mr. Speaker, reclaiming my time, that is why it is so important to recognize that we should not considering withdrawing the one good thing which is encouraging that reform there. It is the Chinese people who are going to in fact lift themselves up and improve their standard of living so that they are able to buy more U.S. goods and services, and if we decide that we are going to pull up the drawbridge and erect some kind of barrier, letting the rest of the world into that market but cutting the United States of America out, we would be, for lack of a better term, cutting off our nose to spite our face.

I believe that if we look at a tiny spot of 24 million people, the Island of Taiwan, known as the Republic of China, where Chiang Kai-Shek in the latter part of the 1940s, 1949 fled trying to get away from the Communism that had taken over in China. This is a wonderful, wonderful spot, and these are people who have desperately sought and have now been able to successfully obtain freedom, and they unfortunately are being targeted often by Beijing, and it is wrong.

I am a strong supporter of the Taiwan Relations Act we passed. And I voted for the Taiwan Security Act here, but it is important to note that the candidate who, according to news reports, was the least desirable candidate on the part of Beijing was elected President of Taiwan. His name is Chen Shui-bian and he had an interview with the Los Angeles Times the morning after his election, and in that interview he said that one of the most important things that needed to take place was for the People's Republic of China to become a member of the World Trade Organization.

Taiwan is, as I say, a small island with 24 million people, juxtaposed to the nearly 1.3 billion people in the People's Republic of China, but they stand for the things that we as Americans embrace, and something that I like to point to is the fact that they are playing a role just as the United States is in extending freedom throughout China, because there are 46,000 businesses on the mainland that are owned by Taiwanese nationals.

They, too, are working to pursue that, to encourage the people of China, to improve their standard of living, so they will be able to again be the beneficiaries of the U.S. manufactured goods and services which we finally achieve as they lower those tariffs and live with the rules based trading system in China by opening up their markets for us.

I think that Ronald Reagan, and I was honored to have been elected to the Congress the same day he was elected President of the United States back in 1980, and he said, if we give people a taste of freedom, they will thirst for more, and that is why when I said earlier that the genie is out of the bottle, the people of China are getting a taste of freedom, and the technological changes which have taken place here in the United States and throughout the world have eliminated so many of these barriers that existed in the past.

Thank heavens that genie is out of the bottle and so they have gotten that taste of freedom, and it is obvious that the people of China are thirsting for more. And so it would be a great disservice if we as the greatest Nation on the face of the Earth, the symbol of freedom for the world were to say you go it on your own and we are not going to stand up for the principles that make this country so great.

I thank my friend for his very thoughtful contribution. I know that he is here, and we in about 3½ hours are going to be meeting in the Committee on Rules on the Department of Defense authorization bill, and we have got lots of work ahead of us. As I said at the outset, this is the most important vote that we will cast at least in this session of Congress.

I hope very much that the American people will understand how key this is to our global leadership and the need for us to maintain our economic prosperity and will urge my colleagues to vote in support of it.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4205.

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

There was no objection.

HIGH COSTS OF PRESCRIPTION DRUGS FOR SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, many of my Democratic colleagues tonight are headed to Michigan to be with our colleague, the gentleman from Michigan (Mr. STUPAK) and his family in a moment of great trial for them. The Stupaks have suffered the tragedy most feared by all parents. They have lost one of their sons, and our thoughts and our prayers are with them tonight.

Mr. Speaker, I am here tonight to talk about the problem that many of our seniors are facing with the high costs of prescription drugs. This is a problem that is becoming more and more apparent to a majority of Americans.

Seniors in my home district in Maine and across the country are finding it increasingly difficult to pay for the drugs that their doctors tell them they have to take. And over the last 2 years, as I have listened to people in my district, as I have conducted studies in my district that show that seniors pay on average twice as much for their medications as the best customers, the pharmaceutical companies, that is, the big hospitals, the HMOs and the Federal Government itself through Medicaid or the VA, as those studies have rolled out first in Maine and then around the country, we have had more and more correspondence, more and more phone calls from people who say they simply cannot do it any more.

They cannot take their medication because they cannot afford their medication. I have had letters from women who tell me I do not want my husband to know, but I am not taking my prescription medication, because he is sicker than I am, and we both cannot afford to take the medicines that our doctors say we must.

I have had letters from people who describe how much they are paying, in many cases hundreds of dollars a month, when their only income is a Social Security check for $650 a month. The math does not work. They cannot make it. And I regret to say that the response in this Congress has not been fast enough. It has not been quick enough to deal with this particular problem.

Part of the answer lies in the tremendous power of the pharmaceutical industry, this industry which has done so much good in this country, developed new medicines that prolong lives, that enhance the quality of life for so many people in this country, if, and only if, they can afford to take the medication that the industry has developed.

Here in Washington, this is the industry that spends the most in campaign contributions, that spends the most in lobbying, and anyone who watches television knows this is an industry that spares no expense when it comes to advertising its products on TV or trying to influence public opinion through TV. When we watch those ads, $1.9 billion last year in direct-to-consumer advertising, all of that costs gets wrapped into the costs of the pills that our seniors and that others need to maintain their quality of life and simply to stay out of the hospital.

We need to take some action, and there are two ways to go at this problem fundamentally, two sensible ways to go at this problem. One is to update Medicare and to provide a prescription drug benefit under Medicare. When Medicare was created in 1965, over 50 percent of our seniors had absolutely

no coverage at all for their hospital coverage. They had no health insurance at all.

So if they got sick and had to go to the hospital, they either had to pay out of their own pocket or they could not get the care that they needed. That is why Medicare was enacted. And today in the year 2000, no one in his right mind would create a system like Medicare and not provide prescription drug coverage.

Many employees across this country have coverage for their prescription drugs, but then they get to 65, they retire, they fall under Medicare, and they do not have coverage for their prescription drugs. Some get Medigap policies, about 8 percent get Medigap policies, but they have limits on the amount of the benefit that they provide and they are often very expensive.

Mr. Speaker, 37 percent of seniors in this country have no coverage at all for prescription drugs and when we add those who do not have any coverage to those who have Medigap insurance, to those who have some coverage of prescription drugs through an HMO plan, that group is again 50 to 60 percent of the country which really does not have adequate coverage.

Why do I say that those who are covered by Medicare Plus, Choice or other managed care plans do not have adequate coverage? Well, look at what happens with these private sector plans. What happens is that the benefits change every year. And lately the benefits have been going down. The cap on prescription drug coverage has been going down each year. And today 62 percent of all Medicare managed care plans have an annual benefit of a $1,000 or less.

□ 1845

Now, people need help. We have got a couple of different approaches here that I will talk about a little later: One, an approach to create a benefit under Medicare; secondly, a bill that I have sponsored and has 153 cosponsors in the House, to provide a discount to everyone who is a Medicare beneficiary who buys prescription drugs and pays for it out of his or her own pocket, a discount for everyone. That is one approach; the benefits another.

What I wanted to start with tonight are some of the new developments that are occurring. Today, on the floor of the House we have the defense authorization bill, and this is a very important piece of legislation, $310 billion to provide for our national security. It covers a wide range of different topics. And what I want to do is to reflect on one of the provisions in that legislation. It is a provision to extend pharmaceutical benefits to military retirees over the age of 65.

Now, as I have said, prescription drug coverage is a vital issue for all seniors, and I am pleased that the Committee on Armed Services, on which I sit, has made a small but important contribution to provide affordable and meaningful coverage to a segment of the Medicare eligible population. What we need to do is go beyond providing this benefit to military retirees, which I support, to make sure that everyone on Medicare has this kind of benefit.

Now, to describe the military retiree program, the TRICARE Senior Pharmacy Program in the bill would allow all military retirees to participate in the Department of Defense pharmacy program. And under that government-run prescription drug benefit, the Defense Supply Center in Philadelphia negotiates prices for its beneficiaries that are as low or lower than those obtained by other Federal agencies.

Now, the Defense Supply Center receives some drugs off the Federal supply schedule and negotiates pricing agreements with more than 200 pharmaceutical manufacturers around the country and uses as a starting point the 24 percent mandated discount that is specified in the Veterans Administration statute. The Department of Defense estimates that these negotiated prices are 24 to 70 percent lower than the average private sector price.

Now, the bill I have does much the same, gives the same kind of discount to all Medicare beneficiaries, not just military retirees. What it does is it allows pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal Government, and that best price is usually a price obtained through the Veterans Administration or a price obtained by Medicaid.

Now, what we have done in this defense authorization bill is very much like the Democratic Medicare prescription drug plan. The TRICARE Senior Pharmacy Program is administered by a Federal agency and basically makes good on a part of the government's promise to provide health care for life for military retirees, only, unfortunately, part of the promise, and the promise to provide health care for the over 65 population at large.

Now, the TRICARE Senior Pharmacy Program uses the government's volume purchasing power to negotiate and achieve the same drug price discounts that favored large purchasers obtain. This is very different from the Republican plan which is emerging from this Congress. This program, unlike the Republican plan, does not throw military retirees to the whims of the private insurance market, leaving them guessing about whether they can get prescription drug insurance from an industry that says it cannot offer such insurance anyway.

Let me make that point clear. What we believe will be the Republican prescription drug plan, after 2 years of talking about this issue on our side of the aisle, the Republicans are believed to be coming up with a plan that involves a government subsidy to seniors to buy private prescription drug insurance. There are a couple of problems with this approach.

Number one, there is no cost containment, no way to hold down prices, and no leverage over price, which means that probably drug prices will go up.

But there is a second problem. As the head of the Health Insurance Association of America has said, insuring seniors against prescription drugs is like covering people for haircuts. There are too many claimants. Everyone is a claimant. The industry is basically saying, we are not going to provide stand-alone prescription drug insurance, and yet that is what the Republican prescription drug plan is based on, both in the Senate and here in the House. And you cannot get there from here, as we say in Maine.

So I am arguing that military retirees deserve the kind of coverage that is set forth in this defense authorization bill that we discussed today and will vote on tomorrow, but I do ask all people in this Congress and across the country this question: If Congress can provide a government administered prescription drug benefit with the Defense Supply Center in Philadelphia negotiating lower prices, why can we not do the same thing for all of the Medicare population across the country? If Congress can give 1.4 million Medicare eligible military retirees access to the best prices that the government can negotiate, why can Congress not give the other 38 million American seniors the same access to the best prices that the government can negotiate?

I mean, this is very, very simple. Here we have a plan, a discount plan, reflected in my bill, which is H.R. 664, the Prescription Drug Fairness for Seniors Act, which involves no significant Federal expense, involves no new bureaucracy, but would provide seniors with up to a 40 percent discount on their prescription drug prices simply by organizing seniors into a block to negotiate lower prices. This is exactly what happens in the private sector. Aetna, Cigna, United, the Blue Cross plans, all of the private sector health care plans negotiate lower prices for their beneficiaries. Why should Medicare not do the same?

Well, I can tell my colleagues what is happening here. What is happening here is the pharmaceutical industry is saying this is price controls. This is price controls. And my argument is nonsense. It is not true. Because what we are talking about is a price that is negotiated and that reflects a price that is a percentage below what is called the average manufacturer's price, which is a market price. The pharmaceutical industry controls that. All we are saying is there is no reason, there is no reason why seniors in this country should pay the highest prices in the world.

This problem, in summary, is very simple. The most profitable industry in the country is charging the highest prices in the world to people who can least afford it, people without coverage for their prescription drugs. And in this country seniors are 12 percent of the population, but they buy 33 percent of all prescription medications. That is

why we have a national crisis, that is why this is a national scandal, and that is why it needs to stop.

One of the recent developments besides the defense authorization bill is what has happened, I am proud to say, in my home State of Maine. The State legislature and the Governor have agreed on a bill which breaks new ground. It is very much like the bill that I have introduced here and which has 153 cosponsors, unfortunately no Republicans yet, but in Maine what the State legislature has done is basically to provide that the State of Maine will, in effect, be what is called a pharmacy benefit manager. The State will negotiate lower prices for 350,000 people in Maine who today have no prescription drug coverage.

It is very simple. Buy in bulk and save money. Very simple concept. Since these people have no insurance plan to negotiate for them, they will get something called the Maine RX card, and the State Department of Health and Human Services will negotiate lower prices with the pharmaceutical industry for those people in Maine. We are confident that we can get lower prices because the State will be representing so many different people.

Now, once again the pharmaceutical industry is saying this is a terrible step to take, but people are fed up. People are fed up in Maine and they are fed up around the country. They know that price is the problem. They know that this industry charges the highest prices in the world to people here.

Let me elaborate on that for a moment. The study that I did first in Maine and now has been replicated in probably 140 districts around the country showed that seniors, on average, pay twice as much for their medications as the drug companies' best customers. And the best customers, as I said, are the big hospitals, the HMOs, and the Federal Government itself. That study was done first in July of 1998.

In October of 1998, I released a second study, and it was the first to do these international comparisons. What it showed is that Mainers pay 72 percent more than Canadians and 102 percent more than Mexicans for the same drugs in the same quantity from the same manufacturer. There is no justification for that. None.

The fact is that the industry charges whatever the market will bear. And because seniors, and more generally people who do not have prescription drug insurance, are not organized, do not have anyone to negotiate for them, they pay the highest prices in the world. It needs to stop, and Maine is doing something about that.

What is going on here in Congress is also worth noting. What the Democrats have done is come up with a plan, it was announced last week, a plan in which the Senate Democrats, the Clinton-Gore administration, and the House Democrats can agree. That plan is simple. It provides a universal but voluntary prescription drug benefit under Medicare. Enrollment is voluntary but anyone can sign up when they are ready to enroll in Medicare. The coverage basically works this way. There are two parts to the coverage. First, the basic benefit and, secondly, a catastrophic benefit.

The basic benefit works like this: At the beginning, for a small monthly fee, an individual will get a reimbursement for up to $1,000 on a 50 percent copay basis for their prescription drugs. In other words, if an individual spends $2,000 on prescription drugs in the course of a year, and many seniors do, they will be reimbursed $1,000 from the Federal Government. Not reimbursed, but the Federal Government will pick up 50 percent of the cost as they go along. If at some point they hit $3,000 in out-of-pocket expenses, at that point our plan will pick up all of the subsequent costs. Medicare will pick up all of the subsequent costs.

What we are trying to do is make sure that those who are hurt the most get the most help, but that everyone benefits. And everyone benefits in another way as well, because the discount concept, which is reflected in my legislation, has been incorporated into this Democratic Medicare Prescription Drug Act of the Year 2000.

□ 1900

Because for those people, when they are not entitled to a benefit, when they run over the price a bit, then they still get a discount, they still get the buying power of Medicare behind the price. So there will be a negotiated reduction in price.

Now, the important thing is the goal, and the goal is very simple. We would use private-sector pharmacy benefit managers to administer this particular plan. And that is what they do for Aetnas, the Cignas, the United HealthCares of the world right now. But they would be charged, very clearly, with getting the same deal for Medicare beneficiaries as they do for their own.

In other words, the goal is simple. We are going to get the best price for Medicare beneficiaries. And within 2 years, there would be a review by the GAO to see whether or not the Health and Human Services is meeting that goal. It is very important that we meet that goal. And if we do not, then we will have to go back and try another approach.

There are benefits here for employers. Because employers who are now providing drug coverage to their employees would get an incentive payment to keep continuing that coverage. And there is low-income protection, as well. Some people simply cannot afford their prescription medication at all.

So for those below 135 percent of the poverty line, what the Democratic plan does is provide all the co-pays and all of the premiums, so that at that level people would get the full coverage for their prescription drugs. Between 135 percent of the poverty level and 150 percent of the poverty level there would be a subsidy-based on a sliding scale.

But the important point is this: Everyone would get the benefit of a discount and everyone would get covered under Medicare. That is very different from the Republican plan, because the Republican plan really relies on private-sector insurance companies. And if we know one thing about private health care insurance, it is that the premiums change every year. In fact, they almost always go up every year.

Talk to any small businessman or woman, talk to any of the self-employed around the country today and what they will say is, my premiums went up 15 percent, 20 percent, 25 percent, 30 percent this year and about the same amount the year before. They cannot afford it.

The small business community is having a terrible time affording health care and largely because of the rapid increase in the prices of prescription drugs. We have to get some control over this system, some level over the system, some ability to hold down prices so that small businessmen and women can afford their health care premiums, and seniors in this country can afford to buy the drugs that their doctors tell them they have to take.

Now, this is, as I have found, a very long struggle, a very long struggle. What is going to happen, I suspect, over the next few months, is we will have a lot of battles back and forth over whose plan is best. But it is clear now that there is a growing consensus that we have got a problem, we have got a major problem, not a small problem, but a major problem for millions of Americans all across this country.

And their problem does not vary with their income. This is not a case where we can say, well, let us help those who are low income, because there are lots of Americans, middle-income seniors, who cannot afford their prescription drugs because their prescription drug costs are so high.

The size of their problem depends less on their income and more on the amount of prescription drugs that their doctor tells them they need to take. That is the problem. So we have to deal with price. We have to deal with price.

To contrast for a moment what appears to be the Republican plan with the Democratic plan, the Democratic plan is designed to cover everyone both with a benefit and with a discount.

The Republican plan is aimed primarily at low-income beneficiaries. The Democratic plan has a way to contain costs, to use pharmacy benefit managers contracting with Medicare as a way to negotiate lower prices with the pharmaceutical industry. The Republican plan relies on private insurance companies, which have not been successful at holding down costs. There is no real cost containment in that plan.

Thirdly, the Democratic plan is an improvement in updating of Medicare, the foundation of health care for seniors, one of the most successful programs that we have that the Federal Government has ever adopted, a plan that needs to be strengthened and reformed but not weakened. The Republican plan relies on private insurance companies.

What we need in this country for our seniors is stability and continuity and predictability. We do not want plans where every year the co-pay changes, the benefit level changes. And in many cases, as we are finding with Medicare managed care, whole areas in this country are simply dropped by the insurance industry.

That is not what we want in Medicare. We want stability and continuity and predictability and equity in this system. That is what we need and that is what we can get with the Democratic prescription drug plan.

I urge everyone who cares about this issue to make their voices known.

One of the things I found in my 4 years in this place is that what we do here depends on the amount of public energy, public concern outside these halls. This is a case where those who care about this issue need to speak up.

In the weeks and months ahead, what we will find in this debate, I believe, fundamentally is that we can find common ground, if not this year, next year. But we need to reach across the aisle and come to a conclusion about how best to approach this particular problem.

People who cannot afford their prescription drugs are Democrats, Independents, Republicans. They are people from all walks of life, all parts of the country. And this is a case where although we have partisan differences over proposed solutions, we do not have partisan differences over the problem. The problem is the same for everyone.

If we can find a way to work across the aisle to pull these two different approaches together, then I think we can find success, as others have done in this House on a Patients' Bill of Rights and in other areas. We can do it with prescription drugs, as well.

NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I am going to talk tonight about the vote that the House is going to make next week on extending permanent normal trade relations to China.

Capitol Hill is abuzz about this vote which we are going to make next week. It seems that everyone and their uncle has been lobbying on this issue.

Goldie Hawn, the actress, has been wandering the halls of Congress. She is against; while Jesse Ventura was in the East Room of the White House. He is for.

In my opinion, Mr. Speaker, this vote will be the most important trade vote in a long, long time, and undoubtedly, the most important agriculture vote this year.

President Clinton said last week, ''If the Congress votes against it, meaning permanent normal trade relations, they will be kicking themselves in the rear 10 years from now because America will be paying the price.''

The President suggested that lawmakers who oppose the measure are focusing on politics rather than its merits. The President said, ''Virtually 100 percent of the people at the other end of Pennsylvania Avenue,'' meaning Capitol Hill, ''know it is the right decision.''

Well, Mr. Speaker, our country has benefitted greatly from the growing international marketplace and American efforts to reduce tariffs and trade barriers.

For example, between 1993 and 1998, my own State of Iowa had its exports increased nearly 75 percent. Export sales from the capital city of Iowa, Des Moine, alone totaled nearly half a billion dollars in 1998. And this growth was a two-way street.

My State has attracted more than $5 billion in foreign investment. International trade supports thousands of jobs in my home State and thousands, if not millions, of jobs across the country.

My State's economic growth depends on international trade. But Iowa is not unique. Iowa is right in the middle of the country. There are other States on both coasts where there is shipping and exports, where exports are even more important.

Now, my State has agriculture as an agricultural industry, but we also have a strong financial services industry and a strong manufacturing industry. I think my State is typical of States all across the country.

China very much wants to get into the World Trade Organization, the WTO. Last fall the United States completed a trade agreement by which we would welcome China into the WTO. Under that new trade agreement, China makes significant concessions that are important to American farmers and businesses.

Under this new agreement, China agreed to reduce its tariffs on American goods in order to get U.S. support for accession into the World Trade Organization. Chinese tariffs will drop from an average of 24.6 percent in 1997 to an average of 9.4 percent in the year 2005. That is a 62 percent drop in tariff rates on most of our products that we are trying to get into China.

In addition, China agreed to phase out most import quotas by the year 2005, making these new tariff rates applicable to most products regardless of quantity. China also agreed to allow American businesses to sell directly to the Chinese public.

This agreement cuts out the interference of Chinese middlemen or Chinese trading enterprises that are often corrupt. This new agreement means American companies will be allowed to provide maintenance and service for their products.

China conceded on agricultural trade matters things that are very important to our Nation's agriculture. China agreed to lower the average tariff on American agricultural products from nearly 40 percent to 17 percent. In addition, China will lower its tariffs on pork, beef, and cheese to 14.5 percent.

China also agreed to accept the U.S. Department of Agriculture's certification that American meat and poultry are safe. What this means is that China will now open its markets to U.S. pork, beef, and poultry access, which has been denied because of China's unscientific claim that our products were not safe.

This is important for many, many States, not just my own, many States, I might add, where there are some other considerations for legislators to think about in terms of voting against permanent normal trade relations.

China consumed more than 77 billion pounds of pork in 1998. And as its population of more than one billion people increases, so will its need for pork, U.S. pork.

China also agreed to eliminate oil seed quotas and gradually increase the quota for corn to 7.2 million metric tons each year. By comparison, in the last 10 years' total, China imported a mere 6 million tons of American corn. China also pledged not to provide export subsidies for its agricultural products.

□ 1915

All of these are very significant concessions on the part of the Chinese. In sum, the Chinese are opening up their market. They are easing their quota restrictions. They are reducing their tariffs. And they are agreeing not to subsidize their own products. These agricultural provisions hold the promise of significant growth for our country's farmers.

Another treaty component important to our country is insurance and financial services. We just passed a bipartisan bill on financial services reform so that our financial services industry in this country can compete in a global market. This new treaty with China will help us get our financial services industry into China. My State, for example, is a leader in insurance, not just agriculture. Currently, foreign insurance companies are allowed to operate in only two cities in China. The bilateral agreement will remove all geographic limitations for insurance companies within 3 years. Within 5 years, American insurers will be able to offer group, health and pension insurance which represents the majority of premiums paid. American firms will be allowed 50 percent ownership for life insurance and will be allowed to choose

their own joint venture partners. Non-life insurance companies will be allowed to establish local branches, hold 51 percent ownership upon accession and form wholly owned subsidiaries within 2 years.

In another area, China will lower tariffs on American automobiles to 25 percent. The current Chinese tariff on American-made automobiles ranges from 80 to 100 percent. And American financing programs for those cars will be available.

Another area is tariffs on information technology like computers and Internet-related equipment. Those will be eliminated by the year 2005 under the new agreement. And banks and financial institutions will have unprecedented access to the Chinese population.

All of these Chinese concessions are significant. They amount to a very good deal for us, a deal that will move American goods and values into China. Under this good deal, the United States is not making any concessions. All the concessions come from the Chinese. Nor will we be dropping our guard against further Chinese espionage. We will not be abandoning Taiwan, and we will not be pretending that the Communist Chinese have improved their human rights record. Altogether, a vote for this new trade treaty and for normalizing trade with China should be, as they say, ''a no-brainer.'' And it should not be a partisan issue, either. A majority of Republicans in Congress support approval of this agreement. In addition to President Clinton and Vice President GORE, many Democratic governors, such as Iowa's Governor Tom Vilsack support the agreement, too. Governor Vilsack wrote me, saying, ''There is more potential for opening up new markets in China than just about anywhere else in the world and a major step in that process was taken by reaching an agreement on the U.S.-China bilateral World Trade Organization accession. The next step is to establish permanent trade with China.''

Governor Vilsack finishes by saying, ''I support permanent normal trade relations for China.''

So, Mr. Speaker, what is all of this controversy about? By all accounts, this is going to be a nail-biter of a vote. Every day, practically, the vote tally is reported in the Congressional Quarterly or in the newspapers. It is big news when, for instance, the gentleman from New York (Mr. RANGEL) yesterday came out and said that he would vote for permanent normal trade relations. Every Member's vote is going to count significantly next week. So what is it all about? If the treaty is so good, if the Chinese basically made all the concessions, if under current trade with China we cannot get our goods into China because they have high tariffs on our goods but under the new treaty they lower those tariffs so that we can send our American-made goods and services over to China, what should be the controversy? One would think that this would pass with 300-plus votes.

Well, in my opinion the controversy is not so much about the treaty. It is more about symbolism. For some in the labor movement, blocking permanent normal trade relations is symbolic of labor's clout, even though in my opinion their position actually hurts manufacturing jobs, such as those at the John Deere plant in Ankeny, Iowa, just north of Des Moines where cotton pickers are made. With this new treaty, that John Deere plant would have the opportunity to sell more cotton pickers in China. That would mean more United Autoworker jobs in Ankeny, Iowa.

Now, along with many, I abhor China's human rights violations. But I do not agree with those who believe that denying normal trade relations will improve the human rights situation in China. Mr. Speaker, we have had this debate for years annually. It has become pro forma. Even last year when I voted against most-favored-nation status for China, when we were dealing with the Chinese having stolen American nuclear secrets, the biggest vote count we could get to overturn that or to send a message was about 175 votes. But one of the other main reasons that I have voted in the past against most-favored-nation trade status for China is that under the current trading agreement with China, we basically get taken to the cleaners. That is why we have such a huge trade deficit with China. They can make goods over there and they can send it into the U.S. when we have very low import tariffs on their goods but then they slap high tariffs on our goods and commodities going over there. The current situation is just not fair. That has created a trade imbalance. That is why this new trade agreement is such a good thing.

As I said, I previously voted against the annual extension of normal trade relations with China. I did so because past extensions gave China open access to our markets, as I have said. This has been a one-way street right into the American market. I also voted ''no'' because of concern about Chinese forced abortions and other human rights violations, Chinese espionage, and Chinese arm sales to Iran and Iraq. I would point out that these same issues will remain concerns even if the United States chooses not to gain access to China's markets. However, I have come to the conclusion that the best chance we have to address those human rights violations is by actively engaging the Chinese people politically and economically. We cannot defend fair labor practices in China by staying at home, by defaulting on our obligation to stand up for the rights of workers and democratic values. What better way to improve labor conditions for the Chinese people than to introduce rule of law into their business relations. No kickbacks. No bribes. In addition, Chinese workers employed by American companies clearly enjoy better working conditions, higher pay and an improved quality of life. Now we have the opportunity to extend these opportunities to more Chinese workers, allowing them to absorb and practice our values. What better way to spark change in a closed Communist society than by introducing western technology and ideology. The elimination of tariffs on information technology will help open China to the global information highway. That highway of American enterprise and values will run right into China, right through that great wall, and it will challenge its political and social repression.

We do not need to dispatch an army to carry forth our values and market system. Our farmers, our workers and our businesspeople have the tools to do that job.

But do not just take my word for it. Listen to one of China's most prominent dissidents, Bao Tong, who has endured tapped phones, police surveillance and restrictions on everyday freedoms. Despite that treatment by the Communists, Bao Tong has this message for Congress: Pass permanent normal trade relations with China. Pull China into international agreements like WTO. Bao believes this will force China to adhere to international standards on human rights. Bao says, ''It doesn't make sense to use trade as a lever. It just doesn't work.'' That goes back to my comments about the annual pro forma debate that we have had on this issue. Or listen to Dai Qing, perhaps China's most prominent environmentalist and independent political thinker who has served time in prison because she opposed the 1989 crackdown on student protesters in Tiananmen Square. She said, ''All the fights for a better environment, labor rights and human rights, these fights we will fight in China tomorrow, but first we must break the monopoly of the state. To do that, we need a freer market and the competition mandated by the World Trade Organization.'' She also said, ''One of the main economic and political problems in China today is our monopoly system, and a monopoly on power and business monopolies. The World Trade Organization's rules would naturally encourage competition and that's bad for both monopolies.''

Mr. Speaker, what happens if next week we say no to this opportunity? Well, China will still join the World Trade Organization, but China will be trading with our competitors, not us, the European Union, Australia, other Southeast Asia countries. In addition, if we reject permanent normal trade relations, the Chinese leadership will feel the United States, the world's only superpower, with its economic, military and democratic arsenal, they will feel that we want to isolate the mainland. Remember, China has a long history of xenophobia. We do not need to play to that xenophobic tradition. That perception that the Chinese could have of our motives could do us and the world a lot of harm.

I want to return to the symbolism of this vote. While the symbolism of a defeat for permanent normal trade relations might benefit certain groups in the short run, in the long run I think it will hurt us all. Paul Krugman in the Washington Post asked us to consider the symbolism that rejecting permanent normal trade relations would send to other governments. The United States, the home of the free market, the home of the free society, would appear to be saying, ''Sorry, markets and democracy work for us but we aren't letting any more countries into the club.''

Mr. Speaker, a national poll last week by the Wall Street Journal/NBC News showed that Americans favor approving the trade agreement with China by a margin of 44 percent to 37 percent. So it is clear, the public is still learning about this very important issue.

□ 1930

That is why I sent a letter on permanent normal trade relations to every household in my district explaining what is at stake and why I support that agreement.

Mr. Speaker, I will vote next week for permanent normal trade relations with China on its merits. It is a good agreement for my state. It is a very good treaty for our country. It is much more fair to us than our current trade relationship. This new agreement will actually grow jobs in the United States, not lose them.

Passing permanent normal trade relations with China will send a strong symbolic message abroad, about America's commitment to democracy and market-based economics. I can think of no more important vote that any of us will make in a long time about the future of our economy and our position in a global market.

I urge all my colleagues on both sides of the aisle, do the right thing; vote for permanent normal trade relations with China, and we will continue to shine the spotlight on China's human rights violations and continue to put heat on them to act in a more responsible way.

WORLD BANK SHOULD NOT CONSIDER LOANS TO IRAN AT THIS TIME

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes.

Mr. SHERMAN. Mr. Speaker, tomorrow the World Bank meets. We will not have the huge demonstrations of a month ago. No one will be comparing this meeting here in Washington, D.C., to the events in Seattle. But they may play a more important role on whether the World Bank and its sister organization, the IMF, continue to have the support, precarious as it is, of the American people, and whether the World Bank continues to exist and foster in its present form.

Mr. Speaker, I am among the strongest advocates in this House of our foreign aid program, our involvement in the world, and, up until now, our support for the World Bank and the IMF.

Mr. Speaker, just a year-and-a-half ago over $500,000 was spent in a campaign designed exclusively to vilify me personally for supporting the IMF and the World Bank. I continue to support those organizations, yet I am not sure that that support can continue for long, because while I am a proud supporter of world development and of our foreign aid and of our efforts to try to have all of humanity live in dignity, I do not know if I can continue to be a proud supporter of the World Bank.

You see, the World Bank garners its support from the community here in America that supports human rights and the dignity of men and women, and yet it will make a decision tomorrow that will indicate whether it deserves the support of those who are concerned with human rights.

For one case, in one nation, has garnered the imagination of the world when it comes to human rights. I speak of the show trial being conducted in the City of Shiraz, Iran, in which 13 Jews face the absurd charge of being spies for the United States and Israel.

Mr. Speaker, let me first give you and the House some background. The Jewish community in Iran is 2,500 years old. It arose out of the Babylonian captivity after the destruction of the first Temple. It is the oldest Jewish community anywhere in the world except Israel itself.

For 2,500 years Jews lived in peace and in loyalty to whichever regime governed Persia, now Iran. In 1979 the Iranian revolution led to the creation of the Islamic Republic of Iran, and since then that Islamic Republic has found it necessary, or at least has decided, to oppress religious minorities. Their treatment of those who practice the Baha'i faith is well-known and is deplorable. For those who have practiced the Jewish faith, some 17 have been killed after trumped-up charges over the last 20 years, roughly one per year. It seems this is a regime that finds it necessary to keep this small Jewish community under control through terror and fear. I say a small Jewish community, because this community, which once numbered over 100,000, has now dwindled to 25,000 as people who have fled their ancestral homelands, homelands that trace their ancestors back for 2,500 years. They have left under the oppression, but 25,000 remain.

But apparently the Islamic Republic of Iran is no longer satisfied with killing one of its Jewish citizens roughly every year, and so about a year-and-a-half ago it went out and arrested 13 and charged them with espionage.

Now, why are these charges so absurd? Well, Mr. Speaker, we have grown up here in the United States, a multi-ethnic country, where people of all backgrounds and all religions are found in every part of our government, including our national security agencies. From the CIA to the Pentagon, our national security agencies look like America. So, anyone of any ethnicity, could, if things turned out wrong, grow up to be a spy.

We have British-American spies, we allegedly have Chinese-American spies, there have been Jewish-American spies, and that is because people of all ethnicities and religions are found in the agencies that contain the most sensitive national security secrets.

Iran is a very different country. No one of the Jewish faith is allowed near anything of national security significance. Now, I know the CIA occasionally makes a mistake, but to think that the CIA would, over a period of years, hire not one, but 13 individuals in Iran, each a member of a tiny group prohibited by their religion from getting anywhere near anything the CIA would want to know, it stretches all credulity to believe that the CIA would do that and that the United States could remain a superpower if that is how it pursued its national security and intelligence efforts.

These charges are not only absurd, but the trials that began less than a month ago are also absurd. They are modeled after the trials of Joseph Stalin, trials devoid of public attendance, trials in which the prosecutor is always the judge, trials in which there is virtually no information, no evidence, except the hollow conclusionary and detailless confessions of coward confessions. Nothing has been proven at trial, except that the defendants are afraid.

The information that they would have had access to would have been only information observable by anyone walking the streets of an Iranian city, and, of course, diplomats of countries, both friendly to and hostile to the Islamic Republic of Iran, walk those streets every day, every month, observing the same things, and with diplomatic immunity while they do so.

So this trial has captured the attention of those in the world who care about human rights. Maybe it is because 13 people are so obviously innocent. Maybe it is because the trials so closely resemble those of the dark ages of Joseph Stalin. Maybe it is because the defendants are a remnant of an historically significant and dwindling community.

But where does this leave the World Bank? The World Bank will consider tomorrow a package of loans to the Islamic Republic, and we are told that these loans will be used for humanitarian purposes. But let us remember that money is fungible. The money the Islamic Republic does not spend on building a sewer system in Tehran can be used to develop weapons, to field an army or to increase the reach of its forces of oppression and interrogation.

Not only that, but this nearly one-quarter of a billion dollars in contracts will go only to those contractors and

organizations in Iran tied to the dominant faction of the Iranian government, so not a penny will be spent that does not inure to those who are politically connected to the same government conducting these show trials in Shiraz.

Now, we are told that the World Bank must make its decisions independent of politics, but one cannot ignore the results of a decision to be made tomorrow in Washington, especially when that decision does not have to be made tomorrow. It can and should be deferred.

But beyond the human rights concerns, there is another issue that the World Bank should focus on. It may grow out of the human rights concerns, but it is a separate issue. No financial institution should be allowed to make a loan that imperils the success of the institution itself, and the World Bank, if it makes this loan, is sowing the seeds of its own impairment. American participation in the World Bank is critical to its survival, or at least to its success, and that participation depends upon the consent and acquiescence of a restive American public.

The support for that participation comes from those who care about human rights, and to fund this loan this week is to turn to those in America who care about human rights and declare that the World Bank is on the other side; that the World Bank is happy to be an instrument, an instrument, of oppression.

Now, there are those who will disagree with what the effect of this World Bank loan will be in Iran, but they do not speak with any expertise about what effect this loan will have on America and American support for the World Bank. Those who understand how foreign policy is made in a superpower, where the people are supreme, and most of them do not care very often about foreign policy, those who are involved in foreign policy and in the political process should warn the World Bank, as I do tonight, that a loan of this type undermines and corrodes the very thin pillars of support that the World Bank and the IMF have in the American public.

□ 1945

If you say no to those Americans who care about the 13 Jews in Iran, if you say no to those Americans who care about human rights, then who will stand up for the IMF and the World Bank when the voices of isolationism and the voices of just spending less money on foreign affairs, when those voices bellow that it is time for America to reduce its commitment?

I am not saying that an approval of these loans will lead to street demonstrations reminiscent of Seattle. It will not. I am not saying that the State Department or the Treasury Department will talk about cutting back its support or participation in the IMF and the World Bank if these loans are approved tomorrow, for there will be no such immediate effect. But those who study how foreign policy is made in a democratic country, where the people are supreme but only a few of them focus on these issues, will understand that over the next 3 years or 5 years or 8 years American support for the IMF and the World Bank are subject to corrosion if this loan goes forward.

Certainly those who are voting at the World Bank tomorrow need to give the World Bank staff a chance to analyze these issues in greater depth, and certainly the loans themselves and the details of the loans need to be reviewed in greater depth than has been done to date. When the World Bank makes a loan, it tries to avoid obvious corruption, knowing that that is not only a waste of its money but a waste of its political capital.

These loans will be under a level of scrutiny beyond those that the public has imposed on any other World Bank decision. Certainly these loans need to be reviewed for efficiency and absence of corruption at a higher level than the World Bank has ever analyzed loans, because here, here, not only does the World Bank stand to see a portion of its quarter billion dollars hijacked and diverted but it has a chance to have each detail of these loans and their expenditures reviewed with the greatest possible public attention, particularly in the United States.

Certainly the board members, the shareholders at the World Bank, would be well advised, let the staff have some time. Let us see whether the details of these loans meet the higher standard than the World Bank, for its own interest, needs to impose on loans that will receive a greater level of public scrutiny than any other loans have ever faced, and let the World Bank staff review whether that institution can long endure and long survive as an organization with the active and enthusiastic support of the people of the United States if it acts precipitously. If the Bank votes tomorrow to ignore these concerns, it takes an irrevocable action or an action that appears to be irrevocable, that could eat away at the fabric of the Bank itself. If instead the Bank votes to delay considering these or if these loans are simply not on the agenda and no one puts them there, then the Bank can consider these actions in light of the concerns I have brought to the attention of this House and I hope to the attention of the Bank shareholders as well.

PERMANENT NORMAL TRADE WITH CHINA

Mr. SHERMAN. Mr. Speaker, I was originally scheduled to address the House for only 5 minutes. The House, in its rules, in its wisdom, has instead given me a full hour. Whether that was a wise decision of this body remains to be seen, but it is an hour I plan to use to discuss some other issues, issues that I have not mapped out in detail and so I will apologize to the Speaker if my remarks are not as tightly phrased and as well organized as I would like them to be.

I would now like to address the same subject addressed by the prior speaker, the vote we will deal with on granting permanent most favored nation status to China.

Mr. Speaker, I am pro-engagement. I am against isolationism and I am against protectionism. I am against this agreement. This agreement has enough in the way of disadvantages in three different categories so that any one of those categories of disadvantage is reason enough to vote it down. If it was only for the adverse effect that this agreement will have on human rights in China, we should vote no. If it was only for the adverse impact that this agreement is going to have on American workers and on American exports and on the balance of trade of the United States, we should vote no. And if it was only for the adverse effect this agreement is going to have on our ability to deal with the national security issues that confront us when we deal with China, we should vote no.

Let us first talk about human rights, or let me first talk about human rights.

This deal has nothing in it to protect labor rights, environmental standards, but we are told that the dissidents in China are for this agreement.

Well, most of the dissidents I have heard of are against it. The overwhelming majority of those who have done time in the Chinese gulag are against this agreement, and certainly the overwhelming majority of those who have done time in the Chinese prison system and are free to speak their minds are against this agreement.

For many months, this country debated whether the father of Elian was free to speak his mind while he lived in Cuba, and so we insisted that he come here and announce, with his child and with his new wife, what their views were and what they wanted for their son. And yet, those who questioned the accuracy, the credibility of statements made by someone living under Fidel Castro seem to accept at face value the statements made by people in China today, people who have been subject to interrogation, some, a few, subject to imprisonment before, as if they could not be subject to that again.

There are those in China who have had the courage to stand up in the past who may not want to risk their freedom over this particular agreement and who may, therefore, have made statements consistent with their own freedom, notwithstanding the fact that those same individuals have in the past had the courage to risk imprisonment where they felt the issue more strongly, or where they felt they were at a time in their lives when they were willing to take such a personal risk.

So the dissidents are, for the most part, indecipherable. Some say one thing. Some say another. Some are here in the United States to speak their mind freely and some are subject to imprisonment tomorrow if they say

the wrong thing today, but we are told that this agreement is not only supported by the dissidents, and sometimes the word ''dissident'' is confused with this second group that they refer to as the reformers. The reformers are not the dissidents. The reformers are the elements in power in China that we are told want open markets. They may want open markets. There are members of the Central Committee of the Communist Party of China that want open markets, but wanting open markets does not mean want human rights. Wanting open markets does not mean abandoning the monopoly on power enjoyed by the Communist Party of China.

There may be different factions in the Central Committee of the Communist Party. There may be different factions in the ruling circles in Beijing, but there is one thing that unites them. So-called reformers, so-called hard-liners are united. They want to see the Communist Party maintain its monopoly on power forever. Reformers just want to do it with a different flavor.

There is one group in China that is free to speak their minds. That is the members of the ruling elite, the members of the Central Committee of the Communist Party, and they have spoken with a loud voice. They have said this deal helps us achieve our objectives. This deal is good for us. It is indeed good for the ruling classes in China. It is indeed in the interest of maintaining the monopoly power of the Communist Party, because make no mistake about two facts: First, the entire ruling elite is unified, dedicated that its most important objective is maintaining a monopoly on power for themselves. They would not enter into this agreement if it, dare I say it, was for all the tea in China if they thought it would shorten for one day the monopoly on power of the Communist Party of China. So first fact, the ruling elite believes this will lengthen its hold on power. Otherwise they would not be for it.

Second, the ruling elite knows a lot more about holding on to power in China than all of the U.S. experts and all of those who have come to lobby us. There are those who say that China will unravel just like the Soviet Union. I hope that is true. Perhaps long-term it is true, but the Soviet Union did not unravel because of trade with the United States. There was very little trade with the United States. There was no WTO membership for the Soviet Union. It was not that every pair of tennis shoes, every toy and half your shirts came from the Soviet Union in 1985. So if we hold up the Soviet Union's unraveling as a model it does not compel us to accept this deal. If we believe that the Communist Party of China at the highest levels understands their own country, understands holding power in their own country, then we will understand that the agreement will help them do just that.

Second, we need to focus on the human rights of Americans. Now I am told that our economy is doing spectacularly well. Well, it is doing well for many people. Unemployment is down, but many of those people who might have been unemployed just a few years ago today are the proud owners of $6 an hour jobs and $7 an hour jobs. These people should be working in the manufacturing sector in America at $20 and $30 an hour jobs. Export jobs to make machinery and aircraft, et cetera, those are very high-paying jobs in the manufacturing sector. But what kind of jobs has the Chinese Government provided? Through their limitation of our exports, they have provided us with a market smaller than Belgium. That is right. We sell less to China than we do to Belgium, and we do not sell very much to Belgium; $13 billion.

Put another way, the trade deficit with China, $70 billion every year and rising, is six times the size of all of our exports.

□ 2000

If our exports to China doubled, we would hardly know it. Has anyone come to this floor and said, if we could just increase by a bit our exports to Belgium, that there would be dancing in American streets and a revitalization of every American town? I do not think so. But it is unlikely that there will be even a small increase in American exports to China as a result of this deal.

I know that many have come to this floor and said just the opposite, so let me explain why. We in the United States have lived our entire lives under the rule of law. If the government is going to affect anything in the economy, they had better write a law or a regulation and publish it, and in the absence of a law, in the absence of regulation, we have the right to do what we want as individuals and as companies.

We have lived our lives where published law is very important. So we should be forgiven if, for a moment, we believe that the published law in China is of great significance; that if we could just change their published tariff rates, their published quotas, then everyone in China would be free to buy American goods.

China is not a country that lives under the rule of law. China is a command and control economy. In China, you do not start your own airline just because you want to and then buy American planes just because you think they are the best deal.

In fact, when we look at what we are likely to export to China, we see an incredible level of control of the Communist party of China without any need to have published rules.

We sell airplanes. The party controls the airline. We sell telecommunications systems. The party controls all the buyers for those systems. We sell large factories. We are not going to do a large factory in China over the opposition of the ruling elite.

We do not sell little toys on the street corner to individual consumers. We sell big things, big ticket items. How are we going to sell them? We are only going to sell the quantity that the people in Beijing decide they are willing to allow their country to buy.

Two years ago we sold $14 billion worth of goods. Last year they cut us down to $13 billion. With this agreement, they can, without fear, cut us as low as they want, or at least maintain us where we are, while they increase their sales to the United States, or at least maintain them where they are so that we continue to run $70 billion trade deficits forever.

How are they going to do that? Well, there may be no tariff on American airplanes to China, but the board of the airline might vote not to buy our planes. Can that be taken to WTO court? No. Any enterprise is free to buy or not buy. The fact that the government controls the enterprise does not change that, so we sell only what they decide they want to buy. When I say ''they,'' I mean the political elite.

We want to do telecommunications systems, the same thing. But let us imagine that there is an independent business in China. The board of directors is not dominated by the government or the party. This business wants to import $1 billion worth of American goods. They are the best goods. They are going to get them at the best price.

The published regulations say that the business is free to do so. The director of that business receives just one phone call, one phone call saying, Mr. Businessperson, we know you are planning to conclude a deal to buy $1 billion worth of American goods. But, you know, China has always wanted to restrict the quantity of American goods purchased. We have always run this huge trade surplus with America, and the Communist Party wants to continue that.

So Mr. Businessperson, we know you will decide not to buy the American goods. We know you will make the right decision. We know you will help us punish the American people for what the Communist party would call their meddling, what we would call human rights advocacy.

Mr. Businessperson, we know you will make the right decision because you are well educated. We would hate to think you need to be reeducated.

There is not a single importer in China that is not subject to arrest on trumped up charges if that importer decides to buy American goods against the advice, oral advice, of the Communist party of China. American exports to China are not dependent upon changing the published rules. Those are only for our lawyers to read.

Getting more exports to China depends upon changing the policy of the Communist party, a policy that has been discriminating against American goods for a long time, a policy which has caused them to run a $70 billion trade surplus with us and a significant

trade deficit with the rest of the world as they deliberately decide to use the money that we pay them for the tennis shoes to buy goods from Europe and Japan and elsewhere.

Why would they change? Are we going to stop talking about human rights on this floor? Are we going to stop our support for Taiwan? Are we going to ignore the rape of Tibet? I hope not.

But that leads to another concern. We have seen an army, an army of businesspeople and lobbyists come to our offices asking us to give China what China wants in the expectation that these lobbyists will get from China what the lobbyists want.

Well, I do not think our businesses are going to get what they want. I think China, having had a 10- and 20-year policy of discriminating against American goods, at least a 10-year policy, will continue that policy and will do it quite well through the mechanism I have described, and does not need published regulations and tariff rates to achieve the balance of payments that they decide to have.

So if this army of lobbyists feels this year that they must do what China wants in order to have access to the Chinese markets, and they do not get that access, they will be back here next year or the year after saying, whoops, looks like American exports to China are still only $13 billion, but we hear through the grapevine that if only America would stop selling weapons to Taiwan, China will start buying our goods. If only America will stop caring about Tibet, China will start buying our goods.

The same army of lobbyists asking us to do what China wants now will find that what China is asking for now is insufficient to garner them that favored status that causes the Chinese enterprises to buy their goods. They will be back asking us to do more. I shudder to think, will we be asked to ignore Chinese proliferation of nuclear technology to countries like North Korea and Iran? Will we be asked to cut off Taiwan and to lay that island, that democratic island, open to possible invasion, or at least blockade?

I do not know, but I will say this, Mr. Speaker, the gentleman from California (Mr. BERMAN) from the adjoining district has proposed that we add a provision to this MFN deal that says that China would get its permanent most-favored-nation status, but if they blockade Taiwan or if they invade Taiwan, they lose it.

The pro-China forces have been unwilling to embrace that amendment, an amendment which might gather them the votes they need to pass this deal. I worry about a Chinese embassy or I worry about supporters of China unwilling to even say that we should deny China something if they actually invade or blockade Taiwan.

We will have to see how this develops, but if my colleagues care about Taiwan, at least hold out for this: Deny their vote to those who want to permanently open our markets to China with little real access to theirs, withhold their vote until at least we get a provision that says that Taiwan, if invaded or blockaded, that those actions would lead to an end of most-favored-nation status, also called normal trade relations, with the United States.

Now, Mr. Speaker, recently those who support this deal have come up with a couple of Band-Aids. One of those is called ''antisurge'' provisions. It sounds good. It sounds like at least if there was a sudden flood of Chinese goods from a particular sector, perhaps being sold at cost, dumped on our market, that we would have a special provision to deal with it.

Read the provision. The proposal is simply that the United States, if it saw its workers losing their jobs, would not be free to stop the onslaught of Chinese goods. No. But we would be allowed, look at this tremendous grant of power to us, we would be allowed to appropriate money for education programs and retraining programs for our displaced workers.

I never thought that we lacked the power to appropriate funds to provide help for American workers who are in trouble for one reason or another. I do not think we have to thank Beijing for having the power to do so. It would be nice if the importers would give us some of the money we would need for that, but that is not found in the antisurge provisions.

Second, we are given a second Band-Aid. That second Band-Aid is, more reports about human rights in China, Helsinki Commission style reports. Come to my office, I will show the Members all the reports on human rights in China. They take up a lot of room. There are more organizations issuing more reports all the time. They will turn Members' stomachs as to their content.

Since when is it a major concession to know that there will be reports issued in the future? We know there will be reports. The fact that they will be called Helsinki style, who cares? We could have Los Angeles style reports, Vienna style reports, Rome style reports. We could have semi-annual reports, we could have biannual reports. We have reports.

We will get more reports. All it will do is demonstrate the abuses of human rights happening in China, as to which we have granted the Chinese government an absolute guarantee that they will not lose a penny no matter what they do. No matter what they do to the practicing Christians, Buddhists, and Muslims; no matter what they do to the people of Tibet, they will be hit only with a report. They will not lose access to a single sale of a single pair of tennis shoes in the United States.

So, Mr. Speaker, I turn, as I have already foreshadowed it, to the third reason that we should oppose this deal. Not only does it ensure more power and more tenacity to the Communist party in China, not only does it limit our access, or does it fail to eliminate limits to our access to their market, but finally, it ties our hands when national security issues come up, because if China does something, whether it is providing nuclear weapons or their technology to Iran or blockading Taiwan, our choices will be only twofold. We can declare war, which I do not advise, or we can mail them a scathing report.

Right now we have the most valuable tool. We do not have to just eliminate most-favored-nation status, we can condition it or we can reduce it. Under most-favored-nation status, for example, and I will just use these numbers for an example, not because they are accurate, a country without most-favored-nation status might face a $10 per pair tariff on tennis shoes. China, because it has most-favored-nation status this year, is entitled to bring those tennis shoes in for a $1 tariff.

We in Congress could react to anything China does that threatens the national security of ourselves or our allies by raising that tariff from $1 to $2 or $3 or $4, or eliminating all most-favored-nation status and having it go to $10.

□ 2015

We have the tools; 43 percent of all Chinese exports come to the United States, and if we can modulate that, if we can impair slightly, or more than slightly, their access to American markets, then we have an abundance of tools to deal with whatever China might do that is offensive to our national security interests.

If, instead, we grant them Most Favored Nation status forever, we lose those tools, and our choices are either war or a scathing letter.

Mr. Speaker, there is one thing on which I agree with the proponents of this agreement; it is better than the status quo. Today we have a $70 billion trade deficit with China, and this contract, this deal makes it permanent; not a real accomplishment. It is the most lopsided trading relationship in the history of life on earth, a trade deficit six times as large as our exports.

If we were to just continue what we have been doing year after year, it would be just as bad. What we have to do instead is open new negotiations with China, negotiations based on results, not process and procedure, because China is a command and control economy where the procedures are all underground and immune from American inspection.

We need an agreement with China that sets targets that says okay, now the trade deficit is $70 billion, next year we would like it to be $60 billion instead of $80 billion, and that we will modulate our tariffs up on Chinese goods, if necessary, to achieve that goal.

We hope it is not necessary. I am not a protectionist. I am not an isolationist. I hope we do not have to raise

our tariffs a single cent on a single pair of tennis shoes, instead China needs to start buying goods from the United States.

If they knew that they would suffer some loss of access to the U.S. market, they would do it. The Chinese, when confronted by real tariffs or the real threat of tariffs, will find that our goods meet their needs, but if they are confronted by a deal that asks them to do nothing more than change the irrelevant regulations that they place on the top of the table and ignores the results of what happens underneath the table, then they will be laughing all the way to even larger trade surpluses with the United States.

Mr. Speaker, let me now bring up, in the waning minutes of this brief presentation, a third topic, a topic that is very important. I have only a bit to say about it, because, frankly, it is a topic that has me stumped. Let me by way of introduction mention that this is a topic that, as far as I know, has never been addressed.

It is a topic that my staff has said, BRAD, maybe you do not want to bring that up, because you will be the only one talking about it, you will look weird. It is a topic I ought to bring up, because it is one of the seminal topics. And it is only one of several seminal topics that gets no attention; by seminal topics, I mean one of the topics that really goes to where we are going as a species and what are the dangers, not only to the prosperity of the people in my district and in the country, not only to the issues we fight about here everyday, but to where we are going as humankind.

Now, there are a number of issues that rise to that level of significance that do receive significant attention: nuclear proliferation, environmental catastrophe, overpopulation; all of these threaten humankind's continued prosperous existence on this planet.

There is a fourth issue that does, I think, rise to the level where it can be included, and it is an issue really without a name; I call it the issue of engineered intelligence.

I am going to propose to this House, I hope some of my colleagues will join me, we will have dinner, we will have a drink or two, we will think this over, not maybe a drink or two, we will think over what form this bill should take, but I am planning to introduce a bill calling for the creation of a national commission on engineered intelligence.

There are several different forces coming together or scientific technologies that come under the title of engineered intelligence: First, there is biological engineering which could give us either of two huge ethical dilemmas; one is the prospect that biological engineering will allow us to design some sort of animal, perhaps starting with human DNA and going down, perhaps starting with chimpanzees' DNA and going up, but some sort of animal that is significantly more intelligent than the domestic animals that help us do our work, sheepdogs or watchdogs or seeing eye dogs, considerably smarter than the canines that help us do work, but less intelligent, less self-aware than human beings, and one wonders whether this would be an engineered slave race or just an improvement in today's pooches, a better seeing eye dog, or a sparely self-aware cognitive entity engineered by man to serve man, arguably to be enslaved by man.

Biological engineering can engineer intelligence at a level where some will argue that that entity deserves the protection of our Constitution, and others would argue that that entity is here to serve us in the same humane way that we turn to watchdogs and seeing eye dogs. Likewise, biological engineering can go beyond.

I can see, not today, but we are within 20 years or 30 years or 50 years of when biological engineering cannot only do what I just covered, but could also engineer an intelligence well beyond that of the average person, perhaps well beyond that of any human that has ever lived, and we would have to wonder, do we want our scientists to create a new species that Darwin might think is superior to our own? I do not know.

But it raises ethical issues that are going to take longer to resolve than it will take the science to get there and present those logical issues, those ethical issues to society.

One example is that Einstein a few years before World War II, together with others, brought to the attention of Franklin Roosevelt the great power or potential power of nuclear science and the nuclear bomb, and we had only a few years to consider what that would mean. The science developed more quickly than the ethics, and we had to struggle as a species to figure out, and we are still struggling to figure out what the rules are with regard to the nuclear engineering.

We need to begin thinking now of the ethics and the international agreements and the laws that are going to apply when science gets to where only science fiction is today.

Mr. Speaker, it is not just is biological engineering capable of engineering intelligence; it is also mechanical engineering. One of my friends has said that perhaps the last decision that will be made by the human race is whether our successors are the products of biological engineering or mechanical Silicon Valley engineering; whether our replacements are carbon-based or silicon-based, because I do not know whether it will be biological engineering that engineers intelligence first, or whether intelligence rivaling our own or perhaps surpassing our own will first come from silicon chips; but the same ethical issues arise.

One can imagine a thinking machine capable of spirituality. I believe there is a book that addresses that issue by that title.

One can imagine a thinking machine smarter than any computer, almost self-aware, some would argue properly used by people, others would say properly embraced as the constitutional equal of human beings. Likewise, it is possible for us through silicon engineering, through computer engineering that some day we will invent machines considerably smarter than us who may or may not regard us as their appropriate peers or masters.

I know this is science fiction, but would it not be wise to spend a few years, and a few, in the minds of a few people a lot smarter than I am trying to figure out what we would do if science begins to offer this as an alternative for human kind?

I can only mention third, nanotechnology, the idea of engineering at the molecular level, at a level where perhaps it would be hard to decide whether what we had engineered was biological or mechanical, or maybe we will see a fusion of biological and mechanical or biological and electronic engineering where a combination of silicon chips and brain cells from human DNA or brain cells from dog DNA are fused together.

I do not want to sound unusual, but the science of the future will be a little unusual. We in this Congress will not do the science, but we in this Congress should make sure that we focus the appropriate societal attention long in advance on the ethical dilemmas that will face us as engineered intelligence either approaches or surpasses our own.

Mr. Speaker, although there would be one benefit of such marvelous engineered intelligence for, perhaps if we had an engineered intelligence massively smarter than myself, maybe we would know what the right course was for the World Bank to take or what the right course was for this Congress to take on the issues I addressed earlier in this speech.

RECESS

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 28 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2345

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 45 minutes.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr GOSS, from the Committee on Rules, submitted a privileged report

(Rept. No. 106–624) on the resolution (H. Res. 504) providing for further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WAMP (at the request of Mr. ARMEY) for today, on account of attending a funeral.

Mr. COBURN (at the request of Mr. ARMEY) for today, on account of attending a funeral.

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. SKELTON) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

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

Mr. HULSHOF, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, on May 24.

Mr. DUNCAN, for 5 minutes, today.

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Thursday, May 18, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

7660. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 1999–2000 Crop Natural (Sun-Dried) Seedless and Zante Currant Raisins [Docket No. FV00–989–4 IFR] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7661. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Docket No. FV00–932–1 FIR] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7662. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Transfer and Repurchase of Government Securities [No. 2000–13] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7663. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Cardiovascular, Orthopedic, and Physical Medicine Diagnostic Devices; Reclassification of Cardiopulmonary Bypass Accessory Equipment, Goniometer Device, and Electrode Cable Devices [Docket No. 99N–2210] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7664. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Gastoenterology-Urology Devices; Nonimplanted, Peripheral Electrical Continence Device [Docket No. 00P–1120] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7665. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Laser Fluorescence Caries Detection Device [Docket No. 00P–1209] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7666. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Hematology and Pathology Devices; Reclassification; Restricted Devices OTC Test Sample Collection Systems for Drugs of Abuse Testing [Docket No. 97N–0135] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7667. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA095–0234; FRL–6579–3] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7668. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA095–0234; FRL–6579–3] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7669. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Hospital/Medical/Infectious Waste Incinerators State Plan For Designated Facilities and Pollutants: Idaho [Docket No. ID–02–0001; FRL–6580–6] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7670. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elaine, Arkansas) [MM Docket No. 99–280 RM–9672] (Ringgold, Louisiana) [MM Docket No. 99–281 RM–9684] (Hays, Kansas) [MM Docket No. 99–283 RM–9711] received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7671. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Section 73.202(b) Table of Allotments, FM Broadcast Stations (Princeville, Kapaa, and Kalaheo, Hawaii) [MM Docket No. 99–139, RM–9402, RM–9412] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7672. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7673. A letter from the Acting President, Inter-American Foundation, transmitting the Annual Performance Report for Fiscal Year 1999; to the Committee on Government Reform.

7674. A letter from the Chairman, National Capital Planning Commission, transmitting the FY 1999 Annual Performance Report; to the Committee on Government Reform.

7675. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule To List as Endangered the O'ahu 'Elepaio From the Hawaiian Islands and Determination of Whether Designation of Critical Habitat Is Prudent (RIN: 1018–AE51) received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7676. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon to Humbug Mountain, OR [Docket No. 990430113–913–01; I.D. 032700C] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7677. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 991223349–934901–01; I.D. 021000A] received April 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7678. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments [Docket No. 99123347–9347; I.D. 032700D] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7679. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule—Safety Fitness Procedures; Safety Fitness Rating Methodology [Docket No. FMCSA–6789 (Formerly FHWA 97–2252)] (RIN: 2126–AA43) received March 21, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7680. A letter from the General Counsel, Government Contracting, Small Business Administration, transmitting the Administration's final rule— Government Contracting Programs—received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7681. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Modified Eligibility Criteria for the Montgomery G.I. Bill—Active Duty (RIN: 2900–AJ69) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7682. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2000–14] received April 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7683. A letter from the Deputy Assistant Secretary, Congressional Liaison, Program Research and Evaluation, Economic Development Administration, transmitting the annual report on the activities of the Economic Development Administration for fiscal year 1998, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Banking and Financial Services.

7684. A letter from the Secretary of Transportation, transmitting a draft bill, ''To provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes''; jointly to the Committees on Transportation and Infrastructure and Commerce.

7685. A letter from the Secretary of Transportation, transmitting a draft bill, ''To authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes.''; jointly to the Committees on Transportation and Infrastructure and Armed Services.

7686. A letter from the Administrator, General Services Administration, transmitting a draft bill entitled, ''Federal Property Asset Management Reform Act of 2000.''; jointly to the Committees on Government Reform, Transportation and Infrastructure, Ways and Means, and Resources.

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. WOLF: Committee on Appropriations. H.R. 4475. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–622). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 106–623). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 504. Resolution providing for further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes (Rept. 106–624). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WOLF:

H.R. 4475. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. CLAY (for himself, Mr. MARTINEZ, Mr. OWENS, Mr. ROMERO-BARCELO, Mr. PASTOR, Mr. CLYBURN, Mr. PAYNE, Mr. HINOJOSA, Mrs. MINK of Hawaii, and Mrs. MEEK of Florida):

H.R. 4476. A bill to authorize a program of assistance for partnerships between minority-serving institutions and other institutions of higher education that enable students attending minority-serving institutions to earn dual degrees and enter fields in which students from those institutions are underrepresented, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TOWNS (for himself, Ms. WATERS, Mr. DINGELL, Mr. RUSH, Mr. WYNN, Mr. CUMMINGS, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. FORD, Ms. CARSON, and Mr. PAYNE):

H.R. 4477. A bill to establish a Digital Bridge Trust Fund to fund programs to improve the skills and career opportunities in information technology and related fields for individuals in underserved rural and urban communities, and for Native Americans, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Transportation and Infrastructure, 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. MENENDEZ (for himself, Mr. SANFORD, Mr. DAVIS of Illinois, Ms. WATERS, Mrs. CHRISTENSEN, Mr. WYNN, and Mr. DELAHUNT):

H.R. 4478. A bill to exempt certain small businesses from the increased tariffs and other retaliatory measures imposed against products of the European Union in response to the banana regime of the European Union and its treatment of imported bovine meat, and for other purposes; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. NADLER, Mr. PACKARD, Mr. COYNE, Mr. FROST, Mrs. MEEK of Florida, and Mr. BERMAN):

H.R. 4479. A bill to provide for coverage of augmentative communication devices under the Medicare Program; 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 Ms. DEGETTE:

H.R. 4480. A bill to streamline and integrate the requirements for pollution related reporting to the Environmental Protection Agency; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. CARDIN, Mr. SHAW, Mr. LEVIN, Mr. ENGLISH, Mr. MATSUI, Mr. CAMP, and Mr. COYNE):

H.R. 4481. A bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 4482. A bill to establish within the Office of the Inspector General of the Nuclear Regulatory Commission a unit to be charged with auditing the safety analysis and review activities of the Commission and personnel of nuclear power plants licensed by the Commission; to the Committee on Commerce.

By Mrs. MORELLA (for herself and Mrs. MALONEY of New York):

H.R. 4483. A bill to establish an Office on Women's Health within the Department of Health and Human Services, and for other purposes; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. CARDIN, Mr. GILCHREST, Mr. CUMMINGS, Mr. EHRLICH, and Mr. HOYER):

H.R. 4484. A bill to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the ''Everett Alvarez, Jr. Post Office Building''; to the Committee on Government Reform.

By Mr. SENSENBRENNER:

H.R. 4485. A bill to authorize appropriations for fiscal years 2001, 2002, 2003, and 2004 for the National Science Foundation, and for other purposes; to the Committee on Science.

By Mrs. WILSON:

H.R. 4486. A bill to make scholarships available to individuals who are outstanding secondary school graduates or exceptional certified leaders and who demonstrate a commitment to and capacity for the profession of teaching, in order to enable and encourage those individuals to pursue teaching careers in education at the preschool, elementary or secondary level or improve their teaching skills through further education; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself, Mr. CLAY, Mr. PAYNE, Mr. SANDLIN, Mr. SHOWS, Mr. BALDACCI, Mr. ETHERIDGE, Mr. HINCHEY, Mr. TOWNS, Mr. RANGEL, Mr. EVANS, Mrs. MCCARTHY of New York, Mr. FROST, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. NADLER, Mr. CROWLEY, Mr. JEFFERSON, and Ms. BROWN of Florida):

H.R. 4487. A bill to provide grants to eligible consortia to provide professional development to superintendents, principals, and prospective superintendents and pricipals; 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. BERRY, Mr. WYNN, and Mr. VITTER.

H.R. 207: Mr. WYNN.

H.R. 218: Mr. GIBBONS and Mrs. MCCARTHY of New York.

H.R. 230: Ms. NORTON.

H.R. 254: Mr. BARR of Georgia and Mr. KING.

H.R. 406: Mr. DICKS.

H.R. 583: Mr. HORN.

H.R. 732: Mr. ROTHMAN.

H.R. 804: Ms. SCHAKOWSKY and Mr. EVANS.

H.R. 842: Mr. BISHOP.
H.R. 846: Ms. DELAURO.
H.R. 914: Ms. DELAURO.
H.R. 1012: Mr. VITTER, Mr. LATHAM, and Mr. ISAKSON.
H.R. 1053: Ms. WOOLSEY.
H.R. 1079: Mr. LIPINSKI and Mr. BARCIA.
H.R. 1111: Mr. KLINK.
H.R. 1227: Ms. JACKSON-LEE of Texas.
H.R. 1239: Mr. RODRIGUEZ and Ms. KAPTUR.
H.R. 1303: Mr. FROST.
H.R. 1304: Mr. ENGLISH.
H.R. 1344: Mr. DICKS.
H.R. 1399: Mr. STARK.
H.R. 1461: Mrs. MCCARTHY of New York.
H.R. 1532: Mr. LIPINSKI.
H.R. 1577: Mr. HALL of Texas.
H.R. 1592: Mr. YOUNG of Alaska, Mr. CALLAHAN, Mr. GARY MILLER of California, Mr. LEWIS of California, Mr. MANZULLO, and Mr. ROYCE.
H.R. 1644: Mr. SHERMAN and Mr. SMITH of Washington.
H.R. 2000: Mr. MILLER of Florida and Ms. RIVERS.
H.R. 2021: Mr. ANDREWS.
H.R. 2060: Ms. CARSON.
H.R. 2308: Mr. SESSIONS.
H.R. 2321: Mr. ABERCROMBIE.
H.R. 2333: Mr. FROST, Mr. PASTOR, and Mr. GONZALEZ.
H.R. 2397: Mr. BACA and Mr. OBEY.
H.R. 2441: Mr. FRANKS of New Jersey.
H.R. 2494: Mr. NEY.
H.R. 2562: Mrs. CAPPS.
H.R. 2640: Mrs. EMERSON.
H.R. 2696: Mr. FRANK of Massachusetts.
H.R. 2702: Mr. ENGEL.
H.R. 2712: Mr. SERRANO, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. MCGOVERN, Mr. FROST, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, and Mr. WAXMAN.
H.R. 2722: Ms. LOFGREN.
H.R. 2814: Mr. SKEEN.
H.R. 2966: Mr. TOOMEY.
H.R. 3054: Mr. DOYLE.
H.R. 3059: Mr. BOEHLERT.
H.R. 3102: Mr. HYDE.
H.R. 3144: Mr. BARRETT of Wisconsin.
H.R. 3315: Mr. GONZALEZ and Mr. PAYNE.
H.R. 3485: Mr. CANADY of Florida.
H.R. 3500: Mrs. MORELLA.
H.R. 3573: Mr. TOOMEY.
H.R. 3655: Mr. SANDERS, Mr. BISHOP, Mr. STRICKLAND, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. OBERSTAR, Mr. UDALL of Colorado, and Ms. RIVERS.
H.R. 3680: Mr. SHERMAN, Mr. CLEMENT, Mr. SESSIONS, Mr. WALDEN of Oregon, and Mr. BOEHNER.
H.R. 3688: Mr. TANNER, Mr. HOLDEN, Mr. SISISKY, Mr. BERRY, Mr. TAYLOR of Mississippi, Mr. STENHOLM, Mrs. MCCARTHY of New York, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. KIND, Mr. SNYDER, Mr. DOOLEY of California, Mr. SMITH of Washington, Mr. ROEMER, Mr. HOLT, Mr. KLINK, Mr. MATSUI, Mr. JACKSON of Illinois, and Mr. GUTIERREZ.
H.R. 3710: Mr. GEORGE MILLER of California, Mr. WEYGAND, Mrs. BONO, Ms. BALDWIN, Mr. WISE, Mr. KENNEDY of Rhode Island, and Mrs. MEEK of Florida.
H.R. 3766: Mr. VISCLOSKY and Mr. LARSON.
H.R. 3798: Mr. PAYNE and Mrs. MALONEY of New York.
H.R. 3825: Mr. COBURN.
H.R. 3842: Mr. JONES of North Carolina, Mr. KIND, Mr. JEFFERSON, Mr. OBERSTAR, Mr. LAHOOD, and Mr. VISCLOSKY.
H.R. 3847: Mr. MINGE.
H.R. 3865: Mr. SUNUNU.
H.R. 3909: Mr. HASTERT.
H.R. 3916: Mr. PASCRELL, Mr. ORTIZ, Mr. QUINN, Mr. DEFAZIO, Ms. SANCHEZ, Mr. GALLEGLY, and Ms. ROYBAL-ALLARD.
H.R. 3985: Mr. SCARBOROUGH, Mr. WELDON of Florida, Mr. BILIRAKIS, and Mr. MCCOLLUM.
H.R. 4033: Mr. HALL of Ohio.
H.R. 4063: Mr. HANSEN.
H.R. 4168: Mr. TANNER.
H.R. 4184: Mr. BUYER.
H.R. 4206: Ms. CARSON and Mr. JEFFERSON.
H.R. 4209: Mr. HILL of Montana, Mr. FORBES, and Mr. WATT of North Carolina.
H.R. 4214: Mr. WHITFIELD.
H.R. 4215: Mr. CONDIT.
H.R. 4233: Mr. ISAKSON.
H.R. 4239: Mr. BONIOR, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. SLAUGHTER, Mr. BAIRD, and Ms. JACKSON-LEE of Texas.
H.R. 4245: Mr. TRAFICANT, Mr. SMITH of Washington, Ms. BERKLEY, Mr. WHITFIELD, Mr. DOOLITTLE, and Mr. TIAHRT.
H.R. 4257: Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. STUMP, Mr. PAUL, Mr. HALL of Texas, and Mr. BUYER.
H.R. 4268: Mr. COOKSEY and Mr. ORTIZ.
H.R. 4277: Mr. HOYER.
H.R. 4334: Mr. BROWN of Ohio and Mr. GREEN of Texas.
H.R. 4346: Mr. SKELTON, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. WAXMAN, Mr. DINGELL, and Mr. FROST.
H.R. 4357: Ms. BALDWIN, Mr. ENGLISH, Mrs. MORELLA, and Mr. BLUMENAUER.
H.R. 4393: Mr. CUNNINGHAM, Mr. BRYANT, and Mr. MORAN of Kansas.
H.R. 4398: Ms. BERKLEY.
H.R. 4463: Mr. ABERCROMBIE.
H.R. 4468: Mr. SOUDER.
H.J. Res. 77: Mr. COOK.
H. Con. Res. 275: Mr. NEY.
H. Con. Res. 307: Mr. LATOURETTE, Mr. SAXTON, Mr. BONILLA, Ms. ROS-LEHTINEN, Mr. PALLONE, Mr. BILBRAY, Ms. BROWN of Florida, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. MCDERMOTT, Mr. HOLT, Mr. WAXMAN, and Mr. SHAYS.
H. Con. Res. 322: Ms. JACKSON-LEE of Texas.
H. Res. 203: Mr. BRYANT, MR. DUNCAN, and Mr. WAMP.
H. Res. 398: Mrs. CAPPS, Mr. GALLEGLY, Mr. GEJDENSON, Ms. RIVERS, Ms. STABENOW, Mrs. LOWEY, and Mrs. MEEK of Florida.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4205

OFFERED BY: MR. STEARNS

AMENDMENT NO. 2: At the end of title VII (page 247, after line 9), insert the following new section:

SEC. 7___. STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under medicare and the Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) REPORT.—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, WEDNESDAY, MAY 17, 2000 No. 61

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable Wayne ALLARD, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, we thank You for Your care. We can cast all our cares on You because You have shown us that You care for all our needs. Help us emulate the depth of Your caring in our relationships and responsibilities.

In a culture that has become careless, help us to really care. Seven words help us to express this character trait of caring. May we communicate to one another in word and action, ''I really care about what concerns you!'' Help us to truly mean that. Show us what we can do to affirm our caring for people. Whisper in our hearts the words of encouragement those around us need to hear from us.

Help us to care for our Nation and its future. May the Senators' caring for every phase of our society be an example to America. We intercede for our Nation. May there be a great crusade of caring beginning here and spreading across this land. May children see from their parents and leaders that caring is not only crucial, it is the crux of our civilization. We dedicate ourselves to caring because You care for us so consistently. Make us courageous, caring people. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 17, 2000.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, I have been asked to make a statement on behalf of the leader at the outset.

Today, the Senate will resume consideration of the military construction appropriations bill. Senator SPECTER will be recognized to speak for up to 30 minutes under the previous order. Following that statement, the Senate will have approximately 3 hours and 30 minutes on the Daschle and Lott amendments to the military construction appropriations legislation. Votes on those amendments are scheduled to occur at approximately 1:30 p.m.

It is the intention of the leader to complete action on the military construction appropriations bill during today's session, with the hope of beginning consideration of the foreign operations appropriations bill no later than Thursday.

Senators can anticipate votes throughout the day and throughout the remainder of the week.

MEASURES PLACED ON THE CALENDAR—S. 2557 and S. 2567

Mr. SPECTER. Mr. President, I understand there are two bills at the desk due for their second reading. I make that statement on behalf of the leader.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 2557) to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

A bill (S. 2567) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

Mr. SPECTER. Mr. President, on behalf of the leader, I object to further proceedings on these bills at this time.

The ACTING PRESIDENT pro tempore. Under the rule, the bills will be placed on the calendar.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the S. 2521, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 2521) making appropriations for military construction, family housing, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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base realignment and closure for the Department of Defense, for the fiscal year ending 2001 and for other purposes.

Pending:

Daschle amendment No. 3148, to express the sense of the Senate with regard to the Million Mom March and gun safety legislation.

Lott amendment No. 3150, to express the sense of the Senate with regard to the second amendment of the U.S. Constitution, the enforcement of Federal firearms laws, and the juvenile crime conference.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 4 hours of debate equally divided between the two leaders or their designees for the purpose of debating the Daschle amendment No. 3148 and the Lott amendment No. 3150.

Under the previous order, the Senator from Pennsylvania, Mr. SPECTER, is recognized to speak for up to 30 minutes.

NORMAL TRADE RELATIONS FOR THE PEOPLE'S REPUBLIC OF CHINA

Mr. SPECTER. Mr. President, I thank the leader for entering the order giving me 30 minutes for a statement this morning. I have sought that time to speak on what I believe to be one of the most important issues which will be presented to the Congress this year; that is, the issue of permanent normal trade relations for the People's Republic of China.

The Senate is scheduled to take up this issue sometime next month, depending upon what the House of Representatives does. The House of Representatives is scheduled to consider this matter next week. I thought it appropriate to make this statement at this time, to give my views on important issues of weapons of mass destruction and nuclear proliferation, insights which I gained, in large part, from serving on the Senate Intelligence Committee for some 8 years, including 2 years as chairman during 1995 and 1996, and other insights on related matters which I have seen in my capacity as chairman of the Judiciary subcommittee on oversight of the Department of Justice.

My own record has been that of a strong free trader. I have supported NAFTA, the North American Free Trade Agreement. I have supported free trade with the Caribbean nations. I supported, last week, free trade with the African nations. I believe the long tugs and pulls of the economy, both domestic and international, strongly support the notion of free trade.

But I am opposed, strongly opposed to granting permanent normal trade relations to the People's Republic of China because of their record on nuclear proliferation, of weapons of mass destruction, because of their record on human rights, and because the executive branch, the administration, has not imposed sanctions as required by law to stop or inhibit such nuclear proliferation but, in fact, has taken affirmative action to grant waivers. So it is necessary for Congress to exercise our constitutional responsibility of checks and balances and congressional oversight of the executive branch, to see to it the national interest is preserved.

The Congress has authority under the Constitution. There are some constitutional inhibitions which prohibit the Congress from delegating that authority to the executive branch. I am not necessarily saying that permanent trade with China would be such an unconstitutional delegation, but at the very minimum it is an unwise delegation, based on this state of the record, based on the necessity to impose restraints on conduct of the People's Republic of China, not only as to human rights—fundamental, important human rights—but of greater magnitude, the threat to international peace through their proliferation of weapons of mass destruction.

During my tenure on the Intelligence Committee I saw many instances of the People's Republic of China supplying rogue nations, nations which constitute a threat to world order, with weapons of mass destruction.

For example, the People's Republic of China provided M–11 missiles to Pakistan back in 1992. Those missiles, now armed with nuclear warheads, are pointed at India, creating a nuclear threat to the subcontinent, the possibility of a nuclear exchange between India and Pakistan, and threatening world peace.

The People's Republic of China has assisted North Korea's missile program by providing specialty steel, accelerometers, gyroscopes, and precision grinding machinery. The People's Republic of China is providing assistance to Libya's long-range missile program by assisting in the building of a hypersonic wind tunnel which is useful for designing missiles and cooperating in the development of Libya's Al Fatah missile which has a range of some 600 miles, threatening peace and stability in that area.

The People's Republic of China has helped Pakistan, Iran, North Korea, and Libya in a way which is very destabilizing.

What has been the reaction of the Clinton administration to these issues? The transfer of M–11 missiles to Pakistan falls under category 1 of the Missile Technology Control Regime, which is set up to establish gradations in seriousness of violations. That is category 1.

The 1991 National Defense Authorization Act mandates the President to deny for not less than 2 years certain licenses, and we find not only has the President not taken those steps on sanctions, but has, in addition, moved ahead and granted affirmative waivers to facilitate developing China's ballistic missile capability. Those waivers were granted in a celebrated case on the application of Loral Space and Technology.

A series of events, beginning in 1992, involving both Hughes and Loral demonstrates a very serious problem on transmitting to the People's Republic of China high-level technology.

On December 21, 1992, a Chinese Long March 2E rocket carrying a Hughes manufactured satellite crashed shortly after takeoff. Without attaining the required State Department license, the Hughes personnel engaged in a series of discussions with Chinese officials, giving them very important information.

On January 26, 1995, a Chinese Long March 2E missile carrying another Hughes satellite exploded approximately 50 seconds after takeoff. A 1998 State Department assessment showed that, ''Hughes directly supported the Chinese space program in the areas of [accident analysis] . . . .''

The Cox committee reviewed these matters and called for a very detailed investigation as to what had actually occurred.

On February 15, 1996, the People's Republic of China's Long March 3B missile exploded with a communications satellite on board built by Loral. Following these explosions, Loral and Hughes transmitted to the People's Republic of China their assessments of why the rockets failed. The assessments required a prior license from the Department of State which had not been obtained.

In May 1997, a classified Department of Defense report concluded that Loral and Hughes significantly enhanced the guidance and control systems of the People's Republic of China's nuclear ballistic systems. As a result of the Department of Defense report, the U.S. Department of Justice began a criminal investigation of Loral and Hughes. Then Loral applied for a waiver from the Clinton administration to launch another satellite from a Chinese rocket.

The Department of Justice weighed in and objected to a Presidential grant of a waiver on the ground that such a waiver would have ''a significant adverse impact on any prosecution that might take place based on a pending investigation of export violations by Loral.''

Notwithstanding the very serious issue of China having sold M–11 missiles to Pakistan creating a threat of nuclear war, notwithstanding the fact that Loral and Hughes gave an assessment to China which significantly enhanced their nuclear capability system, notwithstanding the fact that there was a criminal investigation pending by the Department of Justice, notwithstanding the fact that the Department of Justice objected to the grant of a waiver on the ground that it would have an adverse impact on their criminal investigation potential prosecution, the President on February 18 of 1998 granted the waiver.

What are we to make of all of that, and why, in fact, was the waiver granted? A preliminary investigation has shown that in an early memorandum in

January of 1998 from the National Security Adviser, there was a reference to a State Department concern about transfers by the People's Republic of China to Iran of C–802 antiship cruise missiles. That was a January 1998 draft memorandum from National Security Adviser Samuel R. Berger to the President.

When the final memorandum was submitted to the President by Mr. Berger on February 12, 1998, that important warning was dropped. The earlier memorandum had contained language of the importance of an expedited waiver because Loral was in the process of losing money. Isn't it curious that emphasis is placed upon Loral's financial situation while an important factor about the PRC's furnishing key weaponry to Iran is excluded in the final memorandum?

The decision by the President to grant that waiver is further suspect because the chief executive officer of Loral, Mr. Bernard Schwartz, had made a contribution to the President's campaign of some $1.5 million, and the chief executive officer of Hughes, Mr. C. Michael Armstrong, was the chairman of the President's export council actively lobbying on these issues, raising a very serious issue of a potential conflict of interest.

In the face of activity of this sort, it is my view that it is indispensable that the Congress maintain close oversight on what the executive branch is doing. It is my view that it is indispensable for Congress to maintain close oversight on the effort by the administration now to grant permanent normal trade relations with the People's Republic of China.

The preferable course, by far, in my view, is for Congress to make a year-by-year analysis as to what is happening so we can exert the maximum pressure on the People's Republic of China and not delegate to the President broader authority to initiate action which will grant permanent trade status to China so there is no opportunity for the Congress to impose leverage to try to secure China's compliance with their international commitments.

As a result of the large campaign contribution, $1.5 million from Mr. Schwartz, the special counsel retained by the Department of Justice to evaluate the campaign finance issue, Charles LaBella, recommended to the Attorney General that an independent counsel be appointed.

One of the reasons cited by Mr. LaBella for the need for independent counsel was the contribution made by Mr. Schwartz. That reason, among many other reasons, was forwarded by Mr. LaBella to the Attorney General, along with a strong recommendation by the Director of the FBI that independent counsel be appointed. Notwithstanding those strong recommendations, the Attorney General declined to appoint independent counsel on a complex subject which has been the matter of extensive hearings by the Judiciary subcommittee, which I chair, on Department of Justice oversight.

It is an extraordinarily difficult matter to pursue the executive branch to find the facts so the Congress can exercise its constitutional responsibility and authority on oversight.

Notwithstanding a subpoena issued by the Judiciary Committee calling for the production of the LaBella report, the report by FBI Director Freeh, and other reports, and all related documents, returnable on April 20, to this day the Department of Justice has not complied with that subpoena.

A hearing was held where Mr. LaBella testified about his recommendation for the appointment of independent counsel, including his view—hypothetically stated during the course of the hearing—that there should have been an investigation of Mr. Schwartz, and that where a potential quid pro quo was involved—those were Mr. LaBella's words; and the language of a quid pro quo is the equivalent of bribe language—with the allegation of a bribe, that the President should be investigated as well. Yet no independent counsel was appointed.

The Judiciary subcommittee on oversight is pursuing the documents, is pursuing the testimony of FBI Director Freeh. It has recently been disclosed that there are other documents which the Department of Justice has not provided, notwithstanding the return date is almost 1 month old—April 20 to today, May 17—so there will be an application on tomorrow's Judiciary Executive Calendar for a contempt citation as to the Department of Justice.

The subpoena is issued; some documents are returned; other documents are not returned; the full scope of the subpoena is ignored. We are trying to find out what happened on many matters, including the grant of a waiver to Loral. It is a long, hard chase to pursue the executive branch.

On these stated facts, the question arises inevitably: Is the Clinton administration to be trusted? I am not prepared yet to respond to that question because our investigation is not complete. But I am prepared to say that it is devilishly difficult to pursue the oversight function, that the Senate, the Judiciary Committee, the Judiciary subcommittee, have been led on a merry, meandering chase trying to find answers, trying to find documents, trying to corral witnesses to find out what actually happened in these matters.

So when Congress has the authority to decide on normal trade relations as to China, on a year-by-year basis, we ought not to give up that very important, that very powerful prerogative. We ought not to give up on the recommendation of the Clinton administration that China should have it. We ought not to give it to China in the face of their flagrant record of the proliferation of weapons of mass destruction, and in the face of the flagrant record by the Clinton administration of not acting with sanctions but even granting affirmative waivers to facilitate the development of Chinese capability for ballistic projection.

I believe there is substantial evidence that the People's Republic of China will respond to pressure and to leverage. When we talk about the sanctions, we are talking about something which is really in the hands of the executive branch. But when we talk about granting permanent normal trade relations, that is a power which is in the hands of the Congress. It is very difficult—really impossible—for the Congress to legislate with sufficient specificity to compel the executive branch to impose sanctions.

Some of my colleagues are talking about additional legislation. But at the end of every line of public policy, at the end of every line of sanctions, at the end of the rainbow, every time we take up these issues, there is an inevitable grant of authority to the President, as Chief Executive Officer, to grant a waiver under certain circumstances for national security reasons.

It is not practical for the Congress to put into place—or at least we have never been able to do it—a set of circumstances which can be predetermined to anticipate every eventuality, to mandate it without giving that kind of discretion to the President. That is why, where we have independent authority, such as granting permanent normal trade relations to China, we ought not to give it up.

When we talk about the issue of trusting the administration, trusting the executive branch, I am reminded of President Reagan's comment when dealing with the Soviet Union. There was a lot of wisdom in his comment about ''trust, but verify''—''trust, but verify''—deal with the Soviet Union, make arrangements with the Soviet Union, but verify to see that it is carried out.

There may well be an inherent institutional distrust built into the Constitution with the requirement of oversight and with the requirement of checks and balances. Perhaps ''institutional distrust'' is a little strong. But in the context of this record, with what China has done, with what Loral has done, to have a waiver granted under these circumstances certainly requires that there be a determination, at the very minimum, on the part of Congress that if we are to trust, we ought to verify, and we ought not to give up any of our powerful weapons to see to it that the People's Republic of China does not proliferate weapons of mass destruction.

In reviewing the efficacy of sanctions, in reviewing the desire of China to have normal trade relations, there was a case involving a librarian from Dickinson College in Carlisle, PA, last year which bears on this issue suggesting that China does respond to pressure, does respond to leverage.

The librarian, Yongyi Song, was within 1 month of being sworn in as a

naturalized U.S. citizen, having lived in Pennsylvania for some 10 years, prior to the time that he and his wife Helen took a trip to China last August to study the Cultural Revolution. He is a very distinguished Chinese scholar.

In August, he was taken into custody by the People's Republic of China on trumped up charges. His wife similarly was taken into custody. She was released. But he remained in custody and on Christmas Eve was charged with a very serious crime.

The family came to me, the college came to me, and with a large number of Senate cosponsors, I filed a resolution seeking the immediate release of Yongyi Song on the grounds that he was being detained improperly, illegally, without regard to basic standards of decency and criminal justice protocol.

I had a meeting with the Chinese ambassador, and ultimately Yongyi Song was released. There is good reason to believe that the pressure, the leverage had some effect on what activity was taken by the People's Republic of China.

The condition of normal trade relations with the United States is an item which is very highly prized by the People's Republic of China.

And it is one which we ought to maintain in reserve to evaluate their conduct on a year-by-year basis. It is my view that when you deal with the question of weapons of mass destruction, and when China arms Pakistan, and when China arms Libya, and when China arms Iran, when China arms North Korea, those are matters of much greater consequence than the dollar profit to be gained by greater trade with China.

When people say, ''If we don't sell it, somebody else will,'' I respond to that comment emphatically by saying we ought not to sell it. We ought to take a leadership role in the world to try to persuade our allies not to sell it either because the almighty dollar is not worth the risk we run by giving China a free hand to proliferate weapons of mass destruction. If we are to take a cost-benefit ratio relationship, taking a look at our $300 billion defense budget, and apportioning a part to what we have to do with the 7th Fleet in the Taiwan Strait when the People's Republic of China threatens Taiwan and a test missile drops there in their bullying efforts, considering what we have to do by way of defensive efforts, it is a bad deal in dollars and cents for whatever profit we may gain with our trade with the People's Republic of China.

Mr. President, the question of human rights is a very important one. The record in China has been deplorable. We have utilized the trade issue to try to impose leverage on China, to try to persuade them to improve their human rights. It is a complex conclusion as to whether, on that issue alone, the people of China might be better off with expanded trade, which would improve the quality of life and living in China, which might move them along the road to democratization which, in the long run, might have an overall beneficial affect on human rights in China. And on a year-by-year basis, I have supported granting most-favored-nation status. In light of the developments on the proliferation of weapons of mass destruction, I am not sure that even that ought to be done on a year-by-year basis. When we take a look at the violation of human rights, including religious persecution by the People's Republic of China, it is deplorable.

Last September, police instructed 12 underground Catholic Church leaders in Wenzhou to go to a hotel where they were pressured to join the official Catholic Church. On October 18, last year, police disrupted services at two of Guangzhou's most prominent house churches. One of the pastors, Li Dexian, and his wife were detained, and his church was ransacked by the police. On August 24, 1999, 40 house church members were arrested, and the church leaders were sentenced to 1 to 3 years in a reeducation-through-labor camp. Other items are cited, which I will have introduced into the RECORD at the close of my statement.

The issue of religious persecution in China is overwhelming. In 1997, I introduced S. 772, the Freedom From Religious Persecution Act, and later joined with Senator NICKLES in structuring legislation, which became law on October 27, 1997, the International Religious Freedom Act of 1998.

I make reference to that during the course of these remarks to point out the problems of violation of human rights. It happens again and again and again—repressive action taken by the People's Republic of China. That is a factor which should weigh heavily in our consideration of granting of trade relations to the People's Republic of China.

When I visited the Ambassador, talking about the case of the Dickinson librarian, I received a lecture about not meddling in internal Chinese affairs. I responded with a short lecture of my own about human rights and about the appropriate process of decency in dealing with criminal matters as a matter of balance, noting that we in the United States have great respect for the 1.2 billion people in China. The Ambassador quickly corrected me, pointing out that there are 1.250 billion people in the People's Republic of China. I overlooked 50 million, and perhaps the number had grown during the course of our conversation. There is no doubt that China is the upcoming colossus of the world, the dominant power, and that we are going to have to be very, very careful.

In conclusion—perhaps the two most popular words in any speech—I believe that we have to give very sober consideration to the totality of our relationship with the People's Republic of China. In commenting about a nation of 1.250 billion people, with their potential, it is no doubt that they are becoming a superpower, if they are not already a superpower. They may become the dominant superpower with that kind of a population. When they are throwing their weight around by selling weapons of mass destruction to the likes of North Korea, Libya, and Iran, and selling missiles to Pakistan, which threatened world peace with the nuclear exchange between Pakistan and Iran, the United States ought to retain all the leverage and pressure that it can.

The facts are that we cannot rely upon the Clinton administration to do that. It may be that, institutionally, we cannot rely upon any administration to do that and, institutionally, the Constitution gives oversight authority to the Congress, and the checks and balances in the Constitution require that we maintain leverage and see to it that the national interests of the United States are maintained. That is a constitutional responsibility of the Congress. And it is in that context, from what I have seen on proliferation as chairman of the Senate Intelligence Committee and the dereliction I have seen in my chairmanship of the oversight committee of the Department of Justice, that I urge my colleagues to vote against the granting of permanent trade relations to the People's Republic of China.

My eight years on the Senate Intelligence Committee including the chairmanship in 1995 and 1996 and my current chairmanship of the Judiciary Subcommittee on Department of Justice oversight have convinced me that the People's Republic of China (PRC) threatens world peace by flagrantly proliferating weapons of mass destruction to countries like Pakistan, North Korea, Iran and Libya.

The Clinton Administration has not only deliberately refused to impose mandated sanctions but has also granted unwarranted waivers facilitating technology transfers to enhance the PRC's missile capabilities. As noted in the New York Times article entitled ''Clinton Argues for 'Flexibility' Over Sanctions'' on April 28, 1998, President Clinton admitted that U.S. sanction laws have put ''enormous pressure on whoever is in the Executive Branch to fudge an evaluation of the facts of whatever is going . . .''

Congress should assert its constitutional oversight and checks and balances on Executive Branch excesses by retaining annual review of trade with China to influence the PRC to honor its non-proliferation obligations and conform to fundamental standards of civility and decency in the community of nations.

With regards to the PRC and matters of proliferation, the essential facts are:

According to the unclassified extract of the classified National Intelligence Estimate of September 1999, the PRC sold M–11 missiles to Pakistan in November 1992, which are now pointed at India armed with nuclear weapons

causing or contributing to the threat of nuclear war between those two countries.

The PRC has supplied Iran with ballistic and cruise missiles and technology for chemical, biological and nuclear weapons, according to a report by the Congressional Research Service entitled ''Chinese Proliferation of Weapons of Mass Destruction: Current Policy Issues,'' dated April 13, 2000.

PRC has assisted North Korea's missile program by providing specialty steel, accelerometers, gyroscopes, and precision grinding machinery, as also noted in the ''Chinese Proliferation of Weapons of Mass Destruction: Current Policy Issues'' CRS report.

The PRC is providing assistance to Libya's long-range missile program by assisting in the building of a hypersonic wind tunnel which is useful for designing missiles, and cooperating in the development of Libya's Al Fatah missile, which has a range of 600 miles, according to the CRS report entitled ''Chinese Proliferation of Weapons of Mass Destruction: Current Policy Issues.''

The PRC's transfer of M–11 missiles to Pakistan falls under Category I of the Missile Technology Control Regime (MTCR). According to the U.S. Department of State Bureau of Nonproliferation, Category I of the MTCR applies to ''complete missile systems, as well as major systems . . .'' as noted in the February 8, 2000 Fact Sheet entitled ''Missile Technology Control Regime (MTCR).''

Where there has been a Category I violation, the 1991 National Defense Authorization Act (Public Law 101–510) mandates the President to deny, for a period of not less than two years, licenses such as the licenses for the technology transferred to the PRC by Hughes Space and Communications, Inc. and Loral Electronics to the PRC, as specified herein.

On December 21, 1992, a Chinese Long March 2E rocket carrying the Hughes-manufactured Optus B2 Satellite crashed shortly after takeoff. Without obtaining the required State Department license, Hughes personnel engaged in a series of discussions with Chinese officials in 1993 and 1994 regarding improvements in the fairing (nose cone) of the Long March 2E rocket which resulted in changes. These events were clearly outlined in Volume II of the Report of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, also known as the Cox Report.

On January 26, 1995, a Chinese Long March 2E rocket carrying the Hughes Apstar 2 satellite exploded approximately 50 seconds after takeoff. A 1998 State Department assessment concluded that, in working with the Chinese to address the cause of the failure, ''Hughes directly supported the Chinese space program in the areas of anomaly analysis/accident investigation, telemetry analysis, coupled load analysis, hardware design and manufacturing, testing, and weather analysis,'' as noted in the Cox Report.

The Cox Committee reviewed the Hughes launches and failure analysis and concluded that further inquiry should be conducted to determine: first, that the kind of information that may have been passed to the PRC beyond what has been revealed by Hughes; second, the application, if any, of coupled loads analysis to improving PRC ballistic missiles; and third, the likelihood that the PRC will in fact incorporate this know-how into their future missile and space programs.

Additionally, I was informed in a letter from Wilma Lewis, United States Attorney for the District of Columbia on May 10, 2000, that the Department of Justice, including the U.S. Attorney's Office for the District of Columbia, has undertaken a criminal investigation of the 1995 failed launch as part of an investigation of a 1996 launch failure analysis involving both Loral and Hughes, but no prosecution decisions have been made even though the statute of limitations has expired on the January 26, 1995 launch and crash.

As outlined in the Cox Report, on February 15, 1996, the PRC's Long March 3B missile exploded with a communication satellite on board which was built by Loral. Following this explosion, Loral and Hughes transmitted to the PRC their assessments of why the rockets failed which assessment required a prior license from the State Department. As noted in the Cox report, in May, 1997, a classified Department of Defense report concluded that Loral and Hughes significantly enhanced the guidance and control systems of the PRC's nuclear ballistic missiles.

Following the DoD Report, the Department of Justice began a criminal investigation of Loral and Hughes. Then, Loral applied for a waiver from the Clinton Administration to launch another satellite from a Chinese rocket.

Bernard Schwartz, Chief Executive Officer of Loral, contributed approximately $1,500,000 to President Clinton's 1996 campaign. C. Michael Armstrong, Chairman of Hughes, who lobbied the Administration against sanctions and for expansion of satellite exports to China, had a potential conflict of interest from his contemporaneous service as Chairman of the President Clinton's Export Advisory Council.

A January 1998 draft memorandum from National Security Samuel R. Berger to the President regarding the Loral waiver included the issue of the PRC transfers to Iran of C–802 anti-ship cruise missiles. The Internal State Department correspondence dated December 3, 1997 noted that: ''In light of our ongoing review of China's transfers to Iran of C–802 missiles, you should be aware that if a determination were made triggering sanctions under the Iran-Iraq Nonproliferation Act, the sanctions might prohibit the export of satellites licensed but not yet exported.''

The final memorandum from Mr. Berger to the President on February 12, 1998 did not include the concerns of the Department of State regarding the PRC's transfers to Iran.

As clearly noted in Maureen Tucker's memorandum for Samuel Berger, entitled ''Request for Presidential National Interest Waiver for Chinasat–8 Communications Satellite Project,'' of January 30, 1998, the Department of Justice through a Deputy Assistant Attorney General, objected to a presidential grant of that waiver on the grounds that ''a national interest waiver in this case could have a significant adverse impact on any prosecution that might take place based on a pending investigation of export violations by Loral,'' according to the memorandum for the President from Samuel L. Berger, Larry Stein, and Daniel K. Tarullo entitled ''Request for Presidential National Interest Waiver for Chinasat 8 Communications Satellite Project,'' dated February 12, 1998.

As I was informed in a letter from Wilma Lewis, United States Attorney for the District of Columbia on May 10, 2000, Main Justice, in collaboration with the U.S. Attorney's Office in the District of Columbia, has been investigating the Loral/Hughes matters for three years with only two, sometimes one, attorney(s) assigned to the case.

On May 4, 2000, the Judiciary Subcommittee requested a briefing from Mr. Berger, and was later advised that he would not be available until June 13th. By letter dated May 11, 2000, the Judiciary Subcommittee requested the briefing before Mr. Berger's scheduled departure from the United States on May 16th so the briefing would occur before the Congressional votes on PNTR. The request was rejected.

Without drawing any conclusions at this stage, questions are obviously raised by the long delays in the Department of Justice investigation of Hughes and Loral, including allowing the statute of limitations to run on the January 26, 1995 explosion of the Hughes satellite, the limited resources devoted to the Hughes/Loral investigation and the issue of possible undue influence by Mr. Schwartz or Mr. Armstrong. A further question arises as to whether the delays by the Clinton Administration seek to defer answers on these sensitive issues until after the PNTR Congressional votes.

Perhaps the Department of Justice will satisfactorily answer these questions even though the Attorney General rejected the recommendation of Charles G. LaBella, Esquire, for the appointment of Independent Counsel on the President and Mr. Schwartz on Mr. Schwartz's contribution. If not, Congressional oversight should seek answers including Mr. Berger's decision to omit the Department of State concerns on the PRC transfers to Iran of C–802 anti-ship cruise missiles from the final memorandum to the President.

Even without answers to those questions, the record is clear that the PRC has been guilty of proliferation of weapons of mass destruction and the Clinton Administration has not only not acted to stop that proliferation, but has assisted with the grant of the Loral waiver.

For those who look to profits from increased trade with the PRC, what is the cost/benefit ratio of building, maintaining and sending the 7th Fleet to the Taiwan Strait with the added profits from increased China trade? As a matter of basic morality, the U.S. should not engage in such a balancing test or even consider rewarding the PRC's aggressive tactics. But to those who look to trade profits, let them draw the balance sheet and apportion the appropriate part of the $300 billion Defense budget to the PRC's threat to Taiwan. While hard to calculate, it very likely costs U.S. taxpayers a great deal more than U.S. consumers would benefit from cheaper Chinese goods. But, more importantly, it is not the right thing to do.

HUMAN RIGHTS VIOLATIONS

For decades, the PRC has violated human rights illustrated by the Tiananmen Square massacre. In voting, I have supported extending the PRC's NTR status on a year by year basis in the past. In doing so, I have weighed the potential long-range benefits to the people of China from NTR status with a view that as China prospered and moved toward democracy, there would be a concomitant improvement of human rights. That improvement, in my opinion, depends upon continuing pressure and leverage on the Chinese government.

I saw this firsthand from my experience with a constituent, Mr. Yongyi Song, a librarian at Dickinson College in Carlisle, Pennsylvania. Mr. Song had resided in Carlisle for approximately ten years and was due to be sworn in as a United States citizen in September, 1999 when he and his wife, Helen, took a trip last August to the Peoples Republic of China where he intended to pursue his studies of the cultural revolution. On August 7, 1999, Mr. and Mrs. Song were arrested and detained without cause. Mrs. Song was released on November 16, 1999. On Christmas Eve, Mr. Song was charged with ''purchase and illegal provision of intelligence to persons outside China'' without any foundation.

At the request of the Song family and Dickinson College officials, I filed a resolution with eight Senate co-sponsors expressing the sense of the Congress that, the Government of the People's Republic of China should immediately release from prison and drop all criminal charges against Yongyi Song, and should guarantee in their legal system fair and professional treatment of criminal defense lawyers and conduct fair and open trials. I then sought a meeting with Chinese Ambassador Li Zhaoxing which was scheduled for 11:30 am on Friday, January 28, 2000. Earlier that morning I heard a rumor that Dr. Song was being released.

My meeting with Ambassador Li Zhaoxing was pleasant and cordial although each of us expressed our views in direct blunt terms. Ambassador Li Zhaoxing objected to U.S. protests on Mr. Song and other human rights issues on the ground that we were meddling in China's internal affairs. I countered that Mr. Song was entitled to the protection of the United States government and that human rights were a universal matter so that our intervention did not constitute officious meddling in their internal affairs. When I commented that we had great respect for the power of China with 1,200,000,000 people, I was promptly corrected by Ambassador Li Zhaoxing that the correct figure was 1,250,000,000 people with the Ambassador losing no time in telling me the rapid growth of China's increasing power.

On the Senate floor, I argued that the People's Republic of China should have to observe minimal standards of decency and civility if China wished to gain the benefits of membership in the world community including permanent trade status and membership in the World Trade Organization. In my opinion, the leverage from the Senate resolution and China's interest in membership in the World Trade Organization or Normal Trade Relations status were instrumental in securing the release of Mr. Yongyi Song.

Another area of serious human rights abuse in China that has been brought to my attention in recent years is the persecution of Christians and other religious minorities. The PRC officially permits only two recognized Christian denominations—one Protestant and one Catholic—to operate openly. As a result, unapproved religious groups, including all other Protestant and Catholic groups, experience repression and persecution by the government of the PRC.

In the past year, religious services were forcibly broken up and church leaders and followers were fined, detained, and imprisoned. For instance, in September 1999, police instructed 12 underground Catholic church leaders in Wenzhou to go to a hotel, where they were pressured to join the official Catholic church. On October 18, 1999, police disrupted services at two of Guangzhou's most prominent house churches. One of the pastors, Li Dexian and his wife were detained, and his church was ransacked by the police. On August 24, 1999, 40 house church members were arrested, and the church leaders were sentenced to 1 to 3 years in a reeducation-through-labor camp.

In an effort to combat such religious persecution in China and other countries around the world, I introduced S. 772, the ''Freedom from Religious Persecution Act'' in May, 1997. The following Spring, I worked with Senator NICKLES to produce the text of S. 1868, the ''International Religious Freedom Act of 1998'' which became law in October 27, 1998 and required, among other things, that the State Department issue an annual report on religious freedom around the world. The first State Department report on religious persecution was issued in September, 1999, and it listed China as one of the ''most repressive nations.''

Another area of great concern to me is the Chinese system of criminal justice. Although the Chinese legal system was significantly reformed in 1997, on paper, the PRC has not fully implemented these reforms. The judicial system in many cases denies criminal defendants basic legal safeguards and due process. For example, defendants continue to be subjected to torture, forced confessions, arbitrary arrest and prolonged detention. Police often use loopholes in the law to circumvent a defendant's right to seek counsel. Furthermore, lawyers who try to defend their clients aggressively often are harassed or detained by police and prosecutors. For example, on January 6, 2000 the New York Times reported on the case of Liu Jian, a criminal defense attorney, who was detained in July 1998. After defending a local official charged with taking bribes, Liu was charged with ''illegally obtaining evidence'' and was detained for 5 months. He eventually pled guilty in exchange for a light sentence, but his criminal record prevents him from practicing law.

There are virtually daily media reports of additional PRC's human rights violations. For example, a front page New York Times story on May 8, 2000 reports Chinese leaders criticizing prominent academics and forbidding or punishing newspapers from running their articles. The same edition of the New York Times reports forcing changes in Princeton's language program because of a critical essay in the Beijing Social Science Journal.

CONCLUSION

The record of the Clinton Administration's winking at the PRC's flagrant proliferation violations, in conjunction with Congress's constitutional responsibility for oversight and checks & balances of Executive Branch excesses calls for our retaining annual review of trade relations with China.

Ignoring obvious facts which mandate sanctions calls into question many U.S. laws on sanctions and adherence to the rule of law generally, leaving critical questions of national security to presidential ''fudging''. The frequently heard plea ''if we don't sell it to them, someone else will'' should be forcefully met with U.S. policy not to sell and U.S. leadership to persuade other nations not to sell to rogue countries.

The record does show that the PRC responds to pressure to achieve highly-prized trade relations with the United States. Accordingly, we should use PNTR to influence the PRC to honor its international obligations not to

proliferate and to conform to fundamental standards of civility and decency of the international community of nations.

Mr. President, I ask unanimous consent that a press release I issued yesterday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR SPECTER OPPOSES PERMANENT NORMAL TRADE RELATIONS WITH CHINA

In a Senate floor statement scheduled for May 17, 2000, Senator Arlen Specter announced his intention to vote against Permanent Normal Trade Relations (PNTR) with the People's Republic of China (PRC) and urged his Congressional colleagues to do the same.

Senator Specter based his opposition to PNTR on China's flagrant proliferation of weapons of mass destruction and the Clinton Administration's (1) refusing to impose mandated sanctions and (2) granting a waiver to enhance China's missile capabilities, plus the PRC's deplorable record on human rights.

Senator Specter cited:

(1) The PRC's sales of weapons of mass destruction to Pakistan, North Korea, Iran and Libya.

(2) The PRC's sale of M–11 missiles to Pakistan, which are now pointed at India threatening nuclear war on the sub-continent, was a Category 1 infraction mandating sanctions to preclude licensing of technology such as that transferred by Loral and Hughes to the PRC.

(3) Without obtaining the required license from the State Department, Loral and Hughes provided information to the PRC on a missile explosion which the Department of Defense concluded significantly enhanced the PRC's nuclear ballistic missiles.

(4) After the Department of Justice initiated a criminal investigation of Loral and Hughes for those disclosures to the PRC, Loral applied for a Presidential waiver to launch another satellite from a Chinese rocket.

(5) Notwithstanding a DoJ objection that a presidential waiver would have a ''significant adverse impact on any prosecution'', President Clinton granted the waiver.

Noting President Clinton's close relationship to CEOs from Loral and Hughes and the President's admission that there was ''enormous pressure * * * to fudge the facts * * *'' on sanction laws, Senator Specter concluded that Congress should assert its Constitutional oversight and checks & balances on Executive Branch excesses by retaining annual review of trade with China.

Senator Specter served eight years on the Senate Intelligence Committee including the chairmanship in 1995–96 and currently chairs the Judiciary Subcommittee on Department of Justice.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mrs. MURRAY. I yield 15 minutes to the Senator from California to speak on the Daschle amendment that is before the body this morning.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I want to use my 15 minutes to do three things. The first two are to debunk certain myths that the National Rifle Association has developed. The first is the myth they have developed with respect to the second amendment to the Constitution. Second is the myth that the gun laws are not being enforced. The third item I would like to discuss is the juvenile justice bill that has been awaiting conference now for about a year.

Let me begin by talking about the NRA claim that the second amendment to the Constitution gives every individual the right to own any kind of weapon, no matter how powerful or deadly:

From the Derringer to a Bazooka. From the .22 to .50 caliber weapon. From a revolver that holds 5 bullets to weapons of war with drums of 250 rounds. From the copper jacketed bullets to the black talon that rips apart organs as it passes through a body.

The fact of the matter is that the Supreme Court has never struck down a single gun control law on second amendment grounds. Let me just quickly read to you the second amendment. It says:

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Contrary to the constant claims of the NRA, the meaning of the second amendment has been well-settled for more than 60 years —ever since the 1939 U.S. Supreme Court ruling in United States v. Miller. In that case, the defendant was charged with transporting an unregistered sawed-off shotgun across state lines.

In rejecting a motion to dismiss the case on second amendment grounds, the Court held that the ''obvious purpose'' of the second amendment was ''to assure the continuation and render possible the effectiveness'' of the State militia. Because a sawed-off shotgun was not a weapon that would be used by a state militia—like the National Guard—the second amendment was in no way applicable to that case, said the Court.

More than 40 years after the 1939 Miller case, in the 1980 case of Lewis v. United States, the Supreme Court again held that ''the Second Amendment guarantees no right to keep and bear a firearm that does not have 'some reasonable relationship to the preservation or efficiency of a well regulated militia.'''' Again, the Court pointed to the militia as the key to the right to keep and bear arms.

Since Miller, the Supreme Court has addressed the second amendment twice more, upholding New Jersey's strict gun control law in 1969 and upholding the Federal law banning felons from possessing guns in 1980.

Furthermore, twice—in 1965 and 1990—the Supreme Court has held that the term ''well-regulated militia'' refers to the National Guard.

And in the early 1980s, the Supreme Court even refused to take up a Second Amendment challenge, leaving established precedent in place. After the town of Morton Grove, Illinois, passed an ordinance banning handguns—making certain reasonable exceptions for law enforcement, the military, and collectors—the town was sued on second amendment grounds.

The Illinois Supreme Court and the U.S. Seventh Circuit Court of Appeals ruled that not only was the ordinance valid, but went further to say—explicitly—that there was no individual right to keep and bear arms under the second amendment. In October 1983, the U.S. Supreme Court declined to hear an appeal of this ruling, allowing the lower court rulings to stand.

I was mayor of San Francisco when this took place, and I put forward legislation in the early 1980s to ban possession of handguns in San Francisco since at that time the homicide rate was soaring. The legislation passed. It was subsequently preempted by State law in a case brought and carried up to the State supreme court on the basis that the State of California had preempted the areas of licensing, of registration, and of possession, but it was not struck down on second amendment rights grounds.

Perhaps this history is what led former Supreme Court Chief Justice Warren Burger in 1991 to refer to the second amendment as ''the subject of one of the greatest pieces of fraud, I repeat the word 'fraud,' on the American public by special interest groups that I have ever seen in my lifetime. . .[the NRA] ha(s) misled the American people and they, I regret to say, they have had far too much influence on the Congress of the United States than as a citizen I would like to see—and I am a gun man.'' This was Warren Burger—a Nixon appointee to the Court.

Burger also wrote,

The very language of the Second Amendment refutes any argument that it was intended to guarantee every citizen an unfettered right to any kind of weapon. . .[S]urely the Second Amendment does not remotely guarantee every person the constitutional right to have a 'Saturday Night Special' or a machine gun without any regulation whatever. There is no support in the Constitution for the argument that federal and state governments are powerless to regulate the purchase of such firearms . . .

Erwin Griswold, former dean of Harvard Law School and Solicitor General in the Nixon Administration said in 1990 that ''It is time for the NRA and its followers in Congress to stop trying to twist the Second Amendment from a reasoned (if antiquated) empowerment for a militia into a bulletproof personal right for anyone to wield deadly weaponry beyond legislative control.''

All told, since the Miller decision, lower Federal and State courts have addressed the meaning of the second amendment in more than thirty cases. In every case, up until March of 1999, the courts decided that the second amendment refers to the right to keep and bear arms only in connection with a State militia—in other words, the National Guard, not an individual.

And the NRA is clearly aware of this history. Despite all of the NRA's rhetoric and posturing on this issue, they

know that the second amendment does nothing whatsoever to limit reasonable gun control measures. In fact, in its legal challenges to federal firearms laws like the Brady law and my assault weapons ban, the National Rifle Association has made no mention of the second amendment.

When the Ninth Circuit expressly rejected a second amendment challenge to California's 1989 assault weapons ban, the NRA elected to not even appeal that ruling to the Supreme Court, because they knew they would lose.

In fact, even when part of the Brady law was struck down as unconstitutional, that decision was not based on the second amendment, but on a narrow States' rights issue.

Another suit against the 1994 assault weapons ban was based on a ''bill of attainder'' argument, that Congress illegally targeted gun manufacturers—again, the suit is not based on the second amendment.

Elsewhere around the country, the NRA has argued that various gun control laws violate the first amendment, or the privacy rights of gun owners, or even the equal protection clause because NRA members are treated differently than others. The second amendment is never even brought up.

Nonetheless, many on the other side of the aisle may point to the one, single, lone exception to the long history of second amendment jurisprudence.

On March 30, 1999, a United States District Judge in Texas struck down a federal law making it a felony to possess a firearm while under a domestic restraining order.

In the Texas case, a man in the midst of a divorce proceeding was accused of threatening to kill his wife's lover. Although put under a restraining order and therefore barred from possessing a firearm under federal law, the man was subsequently caught with a gun and indicted for violating the ban. U.S. District Court Judge Sam Cummings dismissed the indictment, in part because the federal law, he said, had the effect of ''criminalizing'' a ''law-abiding citizen's Second Amendment rights.''

This was the first time such a decision was made by a federal judge, but it is important to note that this decision has been appealed. There is absolutely no reason to believe that the Supreme Court, if it ever got to that level, would uphold this decision.

The Texas decision clearly flies in the face of 60 years of second amendment precedent and, as Handgun Control has said, ''can only be viewed as a renegade decision.''

In fact, in his opinion, Judge Cummings was unable to follow usual judicial practice and cite legal precedent supporting his decision, because no such precedent exists.

This ruling is, as I have said, being appealed and since that decision, two federal courts, including a higher circuit court, have ruled that the second amendment does not guarantee an individual right to keep and bear arms.

That is the first myth.

Now let me talk about the second myth being perpetrated by the National Rifle Association. That is that our current gun laws are not being enforced. Members have heard over and over again: We have the gun laws; now go out and enforce them.

Of course we should be enforcing our gun laws. And of course we are. And the evidence clearly shows that gun prosecutions are up. In fact, since the passage of the Brady Bill just seven years ago, more than 500,000 felons, fugitives, mentally ill individuals, and stalkers have walked into a gun dealer and walked right back out again without a gun because of a background check.

The NRA argues that prosecutions are down, but they fail to correctly interpret the statistics to recognize that state and federal cooperation have actually led to an increase in combined prosecutions during the Clinton administration.

In fact, since 1992 the total number of federal and state prosecutions combined has increased sharply, and about 25 percent more criminals are sent to prison for state and federal weapons offenses than in 1992—from 20,300 prosecutions to 25,100.

Federal numbers may be down, but there is a reason for it. The federal government is now focusing its prosecutions on higher level offenders, and turning the lower level offenders over to the states for prosecution. In fact, the number of prosecutions of higher level offenders—those sentenced to 5 or more years in jail—has gone up nearly 41 percent in 7 years. And the number of inmates in federal prison on firearm or arson charges have increased 51 percent from 1993 to 1998.

Just last month, Senator KOHL of Wisconsin and I introduced an amendment which would expand Project Exile to 50 cities and provide law enforcement with ballistics technology that will make it far easier to identify and punish the perpetrators of gun violence. And I also support the President's request to fund at least 500 additional ATF agents and 1000 new prosecutors to focus on guns.

But here's the rub, and here's the contradiction of the National Rifle Association. On the one hand, they say enforce the law, and then they go out and they oppose any effort to strengthen those laws. The NRA fought the Brady Bill for 10 years. The NRA defeated all attempts to allow the consumer product safety commission to regulate the safety of firearms. The NRA in 1986 got legislation passed which restricts Alcohol, Tobacco and Firearms from inspections of gun dealers to once a year. Even dealers who are the source of hundreds of gun crimes cannot routinely be inspected more than once a year without a special court warrant.

For years, the NRA has even blocked the ATF computerization of gun sale records from gun dealers that have gone out of business. As a result, when a gun is traced as part of a criminal investigation, the files have to be retrieved manually from warehouses where old records are kept. This can add days or even weeks to an investigation. By the time the records are found, the trail may already be cold.

And most importantly, the National Rifle Association fights against funding law enforcement agencies at levels adequate to enforce our current laws.

As former New York City police commissioner William Bratten has said, ''The National Rifle Association has strenuously opposed increased financing for ATF and has successfully lobbied against giving it the authority to investigate the origin of gun sales.''

The result: ATF has been left underfunded, understaffed and unable to adequately enforce all the laws on the books.

And the simple fact is that even if enforced, the current laws aren't enough. There so riddled with NRA induced loopholes, that they are easy to get around. And that's why you see children killing children today. Guns left loaded without safety locks, with no responsibility in the law, civil or otherwise, for parents to keep those guns and weapons in safe storage.

Let me speak as a member of the Judiciary Committee.

Mr. President, this body passed a comprehensive bill to address the problem of juvenile crime almost exactly one year ago. The House followed suit a month later. Both bills passed by wide margins, and this Nation was given hope that some solutions to the problems of gun violence and juvenile crime were close at hand.

Yet simple fact is, the conference committee has met only once—in early August of last year. No real issues have been discussed. No progress has been made. The bills sit in legislative purgatory, apparently never to see the light of day again.

Democrats in both Houses have been ready and willing to debate these issues in conference for months now. But time continues to tick by. It now seems clear that these bills will die a quiet death at the end of this session because the NRA opposes certain targeted gun laws passed by this body to keep the guns out of the hands of children, out of the hands of juveniles, and out of the hands of criminals.

There is no one I have ever spoken to who believes a gun should not be sold without a trigger lock. There is no one I have ever spoken to who believes an assault weapon should be purchased by a juvenile. There is no one I have ever spoken to who believes we should not plug the loophole in my assault weapons legislation which permits the importation of clips, drums, or strips of more than 10 bullets—even the NRA agrees to that. And there is no one I know, outside of the National Rifle Association, who believes that two teenagers from Columbine should be able to go to a gun show and buy two assault

weapons with no questions asked. That is what this is all about. As a result, all of the important issues we debated will go un-addressed: Gang violence, juvenile detention, firearm regulation reform, and a host of other problems will go unsolved.

Mr. President, this demonstrates just how deeply these bodies are dominated by this one special interest group—these people who fervently resist any regulations on weapons, no matter how mild, no matter how targeted, and no matter how much the American people want it.

The Columbine incident shocked this nation to its core and this Congress to action. But since we passed that bill one year ago, we have continued to see tragedy after tragedy, all because we live in a nation awash with guns, and we won't stand up to the NRA.

In Atlanta, we saw a distressed day trader gun down his family and colleagues. In California, a hateful bigot killed a postal worker and then wounded five others at the North Valley Jewish Community Center in Granada Hills. The pictures of those young children being led away from the scene of the tragedy were not only heart-wrenching, but also clearly depicted the trickle-down of gun crimes in this country. Now the victims are young children.

We even saw one six year old child bringing a handgun to school, apparently in retaliation for a slight the day before, and use that gun to kill another 6 year old.

And every day since Columbine, another 12 children have died from gunshot wounds, in incidents of gun violence that go relatively unreported, and with outcomes not so public.

These incidents will never stop until we do something to stop them. The death rate will never be diminished unless we stand up and take action.

The Senate-passed juvenile justice bill is not an over-reaching statement with regards to gun control. Rather, the provisions in the juvenile justice bill are small, reasonable measures to make a difference in the lives of our children. None of those provisions should be controversial. Let me describe just a few of these provisions.

This bill includes four common sense provisions to address gun violence:

A ban on juvenile possession of assault weapons and high capacity ammunition magazines;

Closing the gun show loophole;

Requiring safety locks with every handgun sold in America;

And my provision to ban the importation of large capacity ammunition magazines.

Let me talk just a bit about this last amendment—my amendment to ban the importation of large capacity ammunition feeding devices.

The ''Large Capacity Ammunition Magazine Import Ban Act of 1999'' passed the Senate as an amendment to S. 254 by voice vote, after a motion to table failed 59–39. The same amendment, offered by Judiciary Chairman HENRY HYDE on the House floor, passed by unanimous consent in the House.

This amendment would stop further importation of large-capacity ammunition clips by eliminating the grandfather clause—as to these imported clips—that was included in the 1994 Assault Weapons Ban. Large-capacity ammunition clips are ammunition feeding devices, such as clips, magazines, drums and belts, which hold more than ten rounds of ammunition.

This legislation would not ban the sale or possession of clips already in circulation. And the domestic manufacture of these clips is already illegal for most purposes. Under current law, U.S. manufacturers are already prohibited from manufacturing large capacity clips for sale to the general public, but foreign companies continue to do so.

As the author of the 1994 provision, I can assure you that this was not our intent. We intended to ban the future manufacture of all high capacity clips, leaving only a narrow clause allowing for the importation of clips already on their way to this country. Instead, BATF has allowed millions of foreign clips into this country, with no true method of determining date of manufacture.

In fact, from July, 1996 to March, 1998, BATF approved over 2.5 million large-capacity clips for importation into the country. And recently, that number has sky-rocketed even further. Between March of 1998 and March of last year, BATF approved more than 11.4 million large-capacity clips for importation into America. Since that time, there have been millions more as well.

The clips come from at least 20 different countries, from Austria to Zimbabwe.

These clips come in sizes ranging from 15 rounds per clip to 30, 75, 90, or even 250 rounds per clip.

At least 40,000 clips of 250-rounds came from England;

Two million 15-round magazines came from Italy;

10,000 clips of 70-rounds came from the Czech Republic;

156,000 30-round clips came from Bulgaria;

And the list goes on, and on.

Mr. President, 250-round clips have no sporting purpose. They are not used for self defense. They have only one use—the purposeful killing of other men, women and children.

It is both illogical and irresponsible to permit foreign companies to sell items to the American public—particularly items that are so often used for deadly purposes—that U.S. companies are prohibited from selling.

Yet this amendment, along with the rest of the juvenile justice bill, remains stalled in conference.

And the juvenile justice bill being held hostage by the NRA is not just a gun bill. That legislation also contains countless provisions to stem the tide of youth violence in general:

A comprehensive package of measures I authored with Senator HATCH to fight criminal gangs; and

The James Guelff Body Armor Act, which contains reforms to take body armor out of the hands of criminals and put it into the hands of police;

And the Senate bill also provides for:

A new $700 million juvenile justice block grant program for states and localities, representing a significant increase in federal aid to the states for juvenile crime control programs, including:

Additional law enforcement and juvenile court personnel;

Juvenile detention facilities; and

Prevention programs to keep juveniles out of trouble before they turn to crime.

The bill contains provisions regarding the nature and amount of contact allowed between juvenile offenders and adult prisoners. These are important provisions relating to the safety of youth offenders that have been worked out through extensive negotiations for months, yet they, too, remain in limbo.

The bill encourages increased accountability for juveniles, through the implementation of graduated sanctions to ensure that subsequent offenses are treated with increasing severity

The bill reforms juvenile record systems, through improved record keeping and increased access to juvenile records by police, courts, and schools, so that a court or school dealing with a juvenile in California can know if he has committed violent offenses in Arizona; and

And the bill extends federal sentences for juveniles who commit serious violent felonies.

There are some key issues that still need to be resolved, including the issue of who gets to decide whether a young offender is tried as a juvenile or an adult. It is my hope that the conference committee will give judges greater discretion in this area. But if the conference committee never meets, this issue—like so many others—can never be resolved.

Mr. President, all of the commonsense provisions in this bill are now at risk of disappearing without a trace, and I urge the majority to proceed with the conference and come to a compromise.

Let me now turn to more recent events.

Mr. President, this past weekend, we saw a formidable gathering of people united in a common cause—750,000 at the National Mall and tens of thousands in other cities throughout America—marching in support of commonsense gun laws.

These mothers, fathers, sons and daughters gathered together for one purpose—to tell this Congress that enough is enough. These moms and others were saying that we can, should and shall put an end to the violence that is taking 80 lives a day—12 of them children—in our nation. We must pass sensible legislation to prevent gun violence.

There are those who will try to dismiss the Million Mom March as a one-shot affair, a day in the sun on the Mall, but I say such cynics do not know the power of a woman whose child is in jeopardy. Such cynics do not know the power of a million women united on behalf of the safety of their families.

There are those, such as the National Rifle Association, who have even sought to deride the Million Mom March, as ''a political agenda masquerading as motherhood'' in full-page newspaper ads.

While at the same time bragging about working out of the White House after November, the NRA said it was ''shameful to seize a cherished holiday for political advantage.''

But women throughout America have a message for the NRA—your time is up. It's a message so well articulated in a Tapestry on the Million Mom March web site. On this Tapestry, thousands of women have had their say about the senseless violence taking more than 30,000 lives a year.

I'll pick out just a couple of these messages to share with you today. Here's Kerry Foley, Chevy Chase, Maryland: ''I am the mother of three and I am an emergency medicine doctor. I have seen the carnage of gun violence first hand—a high school student shot dead while mowing the lawns by a mentally ill person. A man who shot his brother to death in an argument over the TV remote. We are not safe. Our kids are not safe. I'll be at the march to add my voice to all of yours.''

And Karen Farmer, from Littleton, Colorado, ''The right for my child to live, far outweighs anyone's 'right' to own anything.''

Mr. President, I ask approval to submit this Tapesty as part of the RECORD. It demonstrates the spirit, determination and commitment of women throughout America, the one force that I believe can finally break the gridlock that is keeping even the most common-sense gun laws from passage.

This march was the culmination of a lot of pent up grief and frustration at the inability of Congress to act.

On August 10, 1999, a hate-filled madman opened fire at a Jewish Community Center in Granada Hills, California, wounding five people, three of them children.

This was but the latest mass shooting across our great country. Who can forget the horrors of Paducah, Kentucky; Jonesboro, Arkansas, and Littleton, Colorado to name just a few. But on that day last August, the dream of the Million Mom March was born.

Mothers from New Jersey to California shared that dream and joined together this past Sunday, urging Congress to pass the four common-sense gun measures held in Conference Committee as part of the Juvenile Justice Bill since last June. And urging this Congress to approve new legislation for firearm licensing and registration.

Mr. President I have been working on this issue for months, with community groups dedicated to preventing gun violence, with law enforcement officials, other Senate offices and even individuals involved in the Million Mom March.

As Donna Dees-Thomases, organizer of the March, said ''licensing and registration is the foundation of sane gun laws. Without these basic measures, even current gun laws cannot be adequately enforced.''

The product of our work is the ''Firearm Licensing and Record of Sale Act of 2000,'' a bill I introduced last week with the support of my colleagues, Senators LAUTENBERG, BOXER and SCHUMER.

I began working on this legislation after the shooting at the Jewish Community Center in Granada Hills, when I became determined to find a better way to ensure that only responsible citizens have access to firearms.

I believe that this legislation will begin to address three key problems facing our nation.

First, too many criminals are finding it easy to obtain firearms. Our system of background checks has been a success—the Brady Law has stopped more than 500,000 felons, fugitives, stalkers and mentally ill applicants from obtaining firearms.

However, under the Brady Law a background check is required only when a gun is purchased through a licensed dealer. Gun shows and private sales have long provided a safe haven for those persons who are not legally entitled to buy a gun.

Only with a comprehensive system of licensing and records of sale can we hope to limit these illegal sales. By requiring that gun owners be licensed, that every transfer be processed through a licensed gun dealer, and that gun dealers record the transfer of guns, we will begin to limit the number of gun sales that fall between the cracks.

Second is the problem of gun tracing. Gun tracing is the process through which law enforcement can take a gun found at the scene of a crime and, as the name suggests, trace it back to its owner. In this way, many crimes have been solved and many dangerous perpetrators caught.

But without a national system of licensing and sale records, and without universal background checks, law enforcement often finds it impossible to track down the perpetrators of these crimes. Guns left behind, even those with serial numbers, turn out to be no more than dead ends for criminal investigators, because they may have been sold many times—even legally—with no background checks, no records kept, and no accountability.

If we begin to record the transfers of these guns, we make it easier for law enforcement to trace a crime gun to the perpetrator of the crime.

For this same reason, Senator KOHL and I recently introduced legislation to further the efforts of law enforcement to establish so-called ''gun fingerprints''—ballistics information that will allow law enforcement to trace those who use guns in crime even when the firearm itself is not found at the crime scene.

Third, and what I believe is the primary benefit of this legislation, we place a greater burden of responsibility on those persons who own dangerous firearms.

As Mike Hennessy, the Sheriff of San Francisco, recently pointed out in a letter to me, ''Most importantly,'' this legislation ''places responsibility for the tragic consequences of children having access to firearms squarely where it belongs, on the adult owner.''

This legislation provides criminal penalties for those adults who knowingly or recklessly allow a child access to a firearm, if the child then uses the firearm to seriously injure or kill another person.

Mr. President, the problem of firearm injury goes beyond just criminal violence. Too many lives are lost every year simply because gun owners do not know how to use or store their firearms—particularly around children.

In fact, according to a study released early last year, in 1996 alone there were more than 1,100 unintentional shooting deaths and more than 18,000 firearm suicides—many of which could have been prevented if the person intent on suicide did not have easy access to a gun owned by somebody else.

And think of this—if a man goes into a barber shop to have his hair cut, the barber is licensed. When we women go to a beauty shop to have our hair done, the cosmetologist is licensed. If we want to fish, we get a license. If we want to hunt, we must get a license. If you're a pest control eradicator, you must have a license. If you want to drive a car—not a lethal weapon in itself—but certainly a lethal weapon if irresponsible people are driving it, you get a license. And as a matter of fact, you register the automobile.

When a 16-year-old boy wants to drive a car, we make him prove that he knows the rules of the road, and that he can operate a car safely and responsibly. But if that 16-year-old uses his hard-won new license to drive to a gun dealer, he faces no written safety test, and no demonstration of proficiency whatsoever. It is time to recognize that a firearm is at least as dangerous as an automobile.

These are the issues—keeping guns out of the hands of criminals, tracking down criminals once they have used a gun in the commission of a crime, and making sure that gun owners know how to safely use and store their weapons.

I know that no single piece of legislation can solve the problems of gun violence in America. But in order to begin addressing these issues, I have introduced a bill that will require that all future transfers of handguns or semi-automatic guns that can take detachable magazines be recorded, and their owners be licensed.

Now let me first discuss why the bill covers the guns that it does.

The bill covers handguns because statistically, these guns are used in more crime than any other. In fact, approximately 85 percent of all firearm homicides involve a handgun.

And the legislation also covers semi-automatic firearms that can accept detachable magazines, because these are the assault weapons that have the potential to destroy the largest number of lives in the shortest period of time. A gun that can take a detachable magazine generally also take a large capacity magazine. Combine that with semi-automatic, rapid fire, and you have a deadly combination—as we have seen time and again in recent years.

Put simply, this legislation will cover those firearms that represent the greatest threat to the safety of innocent men, women and children in this nation. Common hunting rifles, shotguns and other firearms that cannot accept detachable magazines will remain exempt.

Now as to those firearms that will be covered by the bill, there are two requirements placed on prospective gun owners.

Regarding the licensing requirement first, this legislation requires that every person wishing to own a firearm covered by this bill must obtain a license—either from the federal government or from a state program that has been certified by the federal government.

In order to obtain a license, a person will have to provide proof of identity, and be legally entitled under federal law to own a gun. This will entail providing several things to federal or local law enforcement:

Provide information as to date and place of birth and name and address;

Submit a thumb print;

Submit a current photograph;

Sign, under penalty of perjury, that all of the submitted information is true and that the applicant is qualified under federal law to possess a firearm;

Pass a written firearms safety test, requiring knowledge of the safe storage and handling of firearms, the legal responsibilities of firearm ownership, and other factors as determined by the state or federal authority;

Sign a pledge to keep any firearm safely stored and out of the hands of juveniles—this pledge will be backed up by criminal penalties for anyone failing to do so;

And undergo state and federal background checks.

Once an individual has received the license from the Treasury Department, that single license entitles the licensee to own or purchase any firearm covered by this bill. Only one license is required, no matter how many firearms are purchased.

Licenses will cost $25 maximum and be renewable every five years. They can be revoked anytime if the licensee becomes disqualified from owning a gun under federal law.

Right now, the United States is one of only two countries—along with the Czech Republic—that does not have a firearm licensing system. Perhaps that is one of the reasons why children under 15 in this country are 12 times more likely to die from gunfire than the children of 25 other industrialized nations combined.

Only America, so advanced in other ways, remains so backward in how we regulate guns and gun owners. I believe that it is time to listen to the American people, and to enact common sense, reasonable legislation to ensure that all gun owners become responsible gun owners, and that guns themselves can be used more effectively to track down perpetrators of gun violence.

The second requirement of this legislation is that all future transfers of firearms covered by this bill be recorded by a licensed gun dealer.

This record of sale provision means that guns that are transferred in the future will, effectively, be registered. Registration is not a complicated issue, and it is one that every American will understand. We register many things in this country that are far less dangerous than firearms.

We register cars and license drivers;

We license barbers and cosmetologists:

We register pesticides;

We register animal carriers and researchers;

We register gambling devices; and

We register a whole host of other goods and activities—even ''international expositions,'' believe it or not, must be registered with the Bureau of International Expositions!

The American people already support national gun registration overwhelmingly, despite a concerted campaign by some to change their minds.

By requiring that firearm sales and transfers be recorded, we will establish some accountability for the use and care of those guns. Law enforcement will be able to track crime guns back to their legal owners, so owners will therefore need to be more careful about storing their guns so they are not stolen and also in reporting gun sales—nobody wants to be responsible for a crime committed by someone else.

As San Francisco Sheriff Mike Hennessy wrote to me, ''By requiring every transfer of handguns and semi-automatic firearms to be made through a licensed dealer, a chain of ownership can be established that can assist law enforcement in identifying firearms used in the commission of crimes.'' This record requirement is not so we can target law abiding citizens, but rather so that law enforcement can quickly apprehend criminals who use guns in crime.

Firearms dealers already keep careful track of gun sales, and submit serial numbers to the ATF for later use in gun tracing. The new record of sale requirement will essentially mean that this same process will be expanded to all covered firearms.

Penalties will vary depending on the severity of the violation:

Those who fail to get a license will face fines of between $500 and $5,000.

Failing to report a change of address or the loss of a firearm will also result in penalties between $500 and $5,000;

Dealers who fail to maintain adequate records will face up to 2 years in prison—dealers know their responsibilities, and this will give law enforcement the tools necessary to root out bad dealers and prevent the straw purchases and other violations of law that allow criminals easy access to a continuing flow of guns;

And adults who recklessly or knowingly allow a child access to a firearm face up to three years in prison if the child uses the gun to kill or seriously injure another person.

Mr. President, the Million Mom March was just the beginning of a powerful movement for sensible gun laws. Like the women activists before them, mothers and others who led the fight to abolish child labor, to establish juvenile courts, to improve child care and broaden health coverage, the participants in this March are now united behind a cause that we cannot afford to ignore: Sane, common-sense gun laws; child-safety locks on handguns; a ban on minors buying assault weapons; closing the gun-show loophole that allows buyers to get around background checks; prohibiting the import of high-capacity ammunition magazines; and finally licensing gun owners and registering firearms. After all, we ask people to get licenses to drive a car and we register automobiles; why not gun-owners and firearms?

I urge the Senate to pass the juvenile justice bill, and to continue the fight against gun violence demanded by those million people this past weekend.

Mrs. MURRAY. Mr. President, I commend my colleague from California, Senator FEINSTEIN, who has done a remarkable job in presenting this issue to the Senate on behalf of not only her constituents but on behalf of many of us across the country. I thank the Senator for her leadership.

I yield myself 10 minutes.

I rise today, as well, in support of the amendment before the Senate. I pose a question to the Members of this body, a question asked by 750,000 mothers, fathers, and children who gathered in our Nation's Capital for the Million Mom March this past weekend. It is a question being asked by tens of thousands of people who took part in rallies across 70 cities in this country this last weekend. It is a question being asked after every school shooting and after every other act of gun violence.

I ask my colleagues: What will it take to get this Congress to pass commonsense gun legislation? Do we have to wait for more innocent people to lose their lives before this Congress will act? Currently, 12 children die every day from gunfire. Do we have to wait for our homes and places of worship to become crime scenes? Lord knows, we have seen enough of that. Do we have to wait for our schools, places

where our children should feel safe and loved, to become war zones?

We have already had school shootings in many cities: Littleton, Deming, Jonesboro, Flint, Conyers, Pearl, Fort Gibson, Springfield, and Moses Lake in my home State of Washington. Do we have to wait for a million people to rally here in D.C. and across the country to get this Congress to act? We just had that this past weekend. Do we have to wait for a shooting to take place right here in the Nation's Capitol Building to act? We have already had that. Do we have to wait until no place is safe for this Congress to pass commonsense legislation? We are getting closer to that every day. It is not getting any better. It seems the accidents are all the more common. It seems the shock and the pain and the loss keep growing, but this Congress has not acted.

What is it going to take for this Congress to pass commonsense gun legislation? I want to give my colleagues a reason to act. I want to share with them a personal story about how gun violence is tearing our country apart. It is a story from a member of my own staff in Washington State. She is a wonderful woman named Mary Glen, who lost her son in a tragic robbery. It is something that has had a tremendous impact on her and on me. I know I cannot convey, or even imagine, the horror she has been through. But I also know that her voice must be heard by this Congress, so I want to read to you what she said in her own words at the Million Mom March in Seattle, WA, this past weekend.

I truly commend her for her courage, telling her story so openly and allowing me to share it with you today. Mary Glen said:

> On Jan. 1st 1994 I awoke to a knock at the door, two police officers were standing there with the news that my 15-year-old son, Shaun was dead. Shot in the back, robbed of his money and his clothes.
>
> As Shaun left a convenience store after purchasing a pizza early New Year's morning of 1994, two young men took him by gun point, forced him into a car, drove him a couple blocks away, made him strip out of his clothes, took his money and then ordered him out of the car. They then shot him in the back! What a cowardly act. My world was torn apart that day but all I could think of is I can't let this happen to anyone else's child.
>
> As a mother, I had been a good parent, but that wasn't enough as I found out. It didn't matter how good of a parent I was, because when Shaun was out of my sight I couldn't protect him from what happened.
>
> Sixteen days later I was speaking to other Moms who had lost loved ones due to guns.
>
> In February of 1994, just 6 weeks after I buried Shaun, I spoke before the Washington State Legislature, telling my story and asking for stricter gun laws, telling them, if they had tears in their eyes after just hearing my story, which they did, imagine how I must feel having to survive it and go on without my son.
>
> This kind of violence is preventable. In April of 1994, Senator Feinstein invited me back to Washington, DC for a press conference on the assault weapons ban, part of the 1994 Crime Bill. . . .
>
> There, I met with others who had lost loved ones and together we spoke out about gun violence to anyone who would give us the time. The effects of gun violence are very brutal and personal for me. . . .
>
> This isn't about being pro or anti gun it's about saving our children who leave our houses and are not coming home. The devastating effects don't magically stop. It's an ongoing struggle. . . .
>
> If I could have one wish answered for Mother's Day this is what it would be: That every person who screams about their 2nd amendment rights and the need to own a gun without wanting to be held accountable for the responsibilities that go with it, feel the pain of losing a child to murder for one day—because then doing the right thing wouldn't even have to be argued.

Those are the words of Mary Glen. She is a member of my staff in Washington State, and I could not agree with Mary more. She is a survivor. She is a strong and loving woman. I got to know her through her work with Mothers Against Violence in America. So, again, after sharing Mary's story with all of you I ask: What will it take for this Congress to pass commonsense gun laws?

Last year, in the juvenile justice bill, the Senate passed commonsense gun restrictions. We closed the gun show loophole; we mandated trigger locks on all handgun sales; we enacted legislation to ensure that violent juveniles cannot buy weapons; and we banned the importation of high-capacity ammunition clips. Unfortunately, this Congress has failed to make that bill law. The juvenile justice bill has languished in the conference committee for nearly a year.

Some opponents of commonsense laws say we are not doing enough to enforce the laws that are already on the books. This administration has done more to protect children from gun violence than any in our Nation's history. Gun prosecutions overall have increased nearly 30 percent in the Clinton-Gore administration. Of course, there is more we can do, and the President has proposed increasing the number of Federal gun prosecutors and helping States with their gun prosecutions and enforcement. But at the end of the day, all of the excuses and all the doubletalk from opponents will not save one life. Sensible gun laws will save lives. But first we have to get this Congress to act.

Today, with this amendment, we are asking this Congress to act in a small and symbolic way. We are asking this Congress to commend those who took part in the Million Mom March. It is the least we can do for a group of people who have suffered losses many of us cannot even imagine. They have asked: What will it take for this Congress to pass commonsense gun legislation? Let's answer them by showing we are ready to protect Americans from gun violence. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I wasn't going to say anything on this subject, but after listening to several of the statements, both last night and again this morning, I am compelled to speak. Everybody is talking about a message that was conveyed to this country last Sunday. There was a message there. I walked through that crowd. There weren't too many television cameras following me because I am not one of the superstars here. I do not take this floor and do a lot of talking. But this time I think I must.

If you listened to them, there was a message. Common sense? Yes, that message was there: Do some commonsense things that will really reduce our exposure to crimes committed using firearms and enhance safety around children. They were not only talking to Congress; they were talking to America. They were saying: Americans, if you have children and young adults in your home and you also own firearms, then you have some responsibility. You, as the adult of that home, have a responsibility. You have a responsibility to your community as well as to this Nation that that child or young person or young adult knows and respects the weapon. The message was: Come to your senses, America.

We can pass laws in here. We can pass this sense-of-the-Senate measure. We can pass the juvenile crime bill. But if we as adults in our own homes and with our own neighbors do not take responsibility, it will not change a thing —not one thing.

There is a reason the second amendment was put in the Constitution. All we have to do is look around the world. We are a different society. We are a free society. Those men who shaped the Constitution and fought over it and bled over it, who walked, not the Halls of this building but in Philadelphia and New York, probably did not know exactly what they wanted in the Constitution, but they knew exactly what they did not want —tyranny by government.

We are no different from the roots from which we sprang. I go back to the words of Benjamin Franklin. I will never forget them. I think they are very true today, just as they were then:

> Those who think we can pass laws that make us feel good and warm and fuzzy, who say look what we have done but do not change the circumstance any, they will say we are more secure now, but it is a false security. Those who would sacrifice freedom for security deserve neither.

Those are the words of Benjamin Franklin. They are words that ring through these Halls today. If there is no responsibility, nothing happens, and the message from the Million Mom March is for naught. Pass the laws. Those who obey the laws become the prey, and those who are willing to break the law have no fear of it and become the predator and therefore rule by fear.

Common sense, America; common sense. That is what they said. No matter what the law, the bottom line is responsibility—adult responsibility—not

given to the Government, not given to the schoolteacher, not given to the babysitter; it is part of what we call parental responsibility. We should not be lulled into a false sense of security because we have passed a law that basically changes nothing.

Those who have lost children in any way, in any fashion, understand that down in their gut. How can they tell the story? Because they believe it deep down.

When I drive across this great country of ours—Washington is not the center of the universe—when I drive on the other side of the mountains and out across the prairies of America into the West and clear to the coast, I see people who are willing to take responsibility. They built a great nation, and they did not build it on false security.

Last night I played a tape called ''Touch Tones in Valor.'' It is a 10-minute tape on the Battle of Iwo Jima in World War II. I started wondering: Why did these men and women of great courage think so much of freedom that they were willing to pay the supreme cost? Yet we cannot seem to teach that in our schools.

During this debate, there have been numbers quoted, stats quoted, and there are politics involved. Why don't we say to the organizations that have the ear of people who shoot for sport and to hunt: Instead of this adversity, why aren't we working with those folks and their programs of education and responsibility and do something to raise awareness to make communities safe?

We can do that, America. We can do that. We can work with parents, and we can work with schools, but we have to get involved. We cannot pass a law, walk away, and say look what we have done, and all at once believe that we are safer. We have to get involved with the young people. It is about time we remind ourselves to teach right from wrong and that there are consequences for wrong.

It boils down to the message I got on Sunday, which is to help us; help us, but for Heaven's sake, when you go into groups, talk about parental responsibility, talk about the way to raise our children, talk about the way to teach our young adults. Do not go through this process of pretense and then say, ''Look what I have done.'' Do not be afraid to teach.

My good friend from Washington comes out of the education community, and I bet she was a good teacher. We all teach every day. Every one of us, every adult, teaches every day. That is where it starts. That was the message of this past Sunday: Be a leader; be a role model.

For Heaven's sake, don't do something with a paintbrush and think we have a new barn because we still have the same old one. We have to change from the inside.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, of the 10 minutes, I yield myself 8½ minutes.

I hope the American people are beginning to understand the difficulty those of us who want sensible and responsible opportunities are having in putting before the Senate proposals which we think can reduce youth violence and the availability of weapons to children in this country. We were stalled yesterday, and we have been stalled again to the point where we are acting only on a sense-of-the-Senate resolution. We are, because of what I consider an abuse of the rules of the Senate, denied an opportunity for accountability by the Members.

I hear a great deal about responsibility. I hear the speeches about how we ought to be responsible and parents ought to be responsible. I say the Senate ought to be responsible. The Senate of the United States ought to be responsible, the House of Representatives ought to be responsible, and at least have a debate about these issues rather than relying on the gymnastics of parliamentary procedures to deny us that opportunity.

When our good friends talk about responsibility, let's start right where it should begin, and that is right in the Senate.

It ought to be self-evident that children in the United States of America have the easiest access to guns of any country in the world.

We know we have more youth deaths than the next 25 industrial nations combined. Easy access to weapons has been demonstrated.

The argument is: Why aren't we doing more in terms of prosecutions? Or, Why aren't we doing more in terms of helping children? I daresay, that those of us who are in strong support of the Daschle amendment take a back seat to no one in trying to find ways to help and assist parents, schools, local communities, and church leaders in local communities to try to deal with the problems of violence in the community.

What we have also seen from Justice Department statistics is that there has been vigorous enforcement of the laws in sending people off to jail who are violating gun laws. Where the penalty is above 3 years, there is a 30-percent increase in prosecutions. In State law, there is a 25-percent increase in prosecutions for those with a penalty below 3 years. There are 25 percent more criminals going to jail today than 7 years ago in relation to gun offenses.

Let's free ourselves from the adage: we have enough laws on the books—let's just enforce them. The statistics respond to that statement.

The second question is, if we go ahead and pass these laws, that isn't the only problem. We understand it is not the only problem. But we are stalemated in trying to deal with the underlying problems, as well.

Let's think of where we are. We have a number of different proposals to try to help and assist parents and schools and local communities. For example, we have our Safe and Drug Free Schools Program that provides help and assistance to every school in this country. We have found that any effort to increase the funding for that program has been opposed by the Republicans. That is the principal instrument to try to help our schools develop their own kinds of programs to deal with the problems of violence in the schools.

The Justice Department's Safe Schools and Healthy Students Program attempts to help schools. And it too has been sidetracked by the majority.

The various prevention programs in the Juvenile Justice bill like the juvenile drug and alcohol treatment programs, school counseling, and other school-based prevention programs like the FAST Program—which is the Families and Schools Together Program—and the centers of excellence to treat children who have witnessed or suffered serious violent crimes, all of those programs are put on the back burner. We cannot get funding or support for those programs.

Let's not stand out here and say that there are other causes of violence. We understand that. We also understand that people in other countries are seeing our movies, they are viewing our games, and yet they do not have this proliferation of violence. Maybe we ought to be taking a look at some of those issues, but we are being denied now on the most basic and fundamental issue, and that is the issue of the proliferation of weapons.

With all due respect to our friends on the other side of the aisle, let's look at what their position has been in terms of the proliferation of weapons. I was here when we passed the McClure-Volkmer Act. I voted in opposition to that bill, which opened up the whole gun show loophole. The McClure-Volkmer bill effectively facilitated the sale of guns to criminals and juveniles by turning gun shows into a booming business. It severely restricted the ability of the ATF to conduct inspections of the business premises of federally licensed firearms dealers. It raised the burden of proof for violations of federal gun laws. That is what the NRA has supported on the McClure-Volkmer bill.

Then we had the Brady bill. They resisted it every step of the way. It took 7 years to pass the Brady Bill. And the NRA's ongoing attacks on the National Instant Check System show that their claims to support background checks are utterly specious.

Then we had the whole question about the ATF. As I have mentioned previously, the NRA and the Republicans oppose sufficient numbers of law enforcement officials in the ATF. We have the same number of law enforcement officials now as we had 25 years

ago, with basically flat funding. Everyone around here knows what that means. It means a real drop in the funding by about 30 percent. So to our good friends on the other side: untie the hands of law enforcement. Their hands are tied behind their backs, and you ask: why aren't they enforcing the laws? Come on now.

We are prepared to do something in terms of these other issues, as I mentioned. We have passed the SAMSHA program, which deals with issues of mental health and tries to provide resources to local communities to work with schools, religious organizations, and law enforcement, to reduce the proliferation of weapons.

What are the radical proposals we keep hearing about that are going to basically undermine the Constitution of the United States?

We have a gun show loophole. We want to go back to where we were prior to the time of the McClure-Volkmer Act. That is where we basically want to go. It has passed the Senate and we cannot even get consideration of it.

I listened to my good friend from Montana talk about holding parents responsible. That is the proposal of the Senator from Illinois, what is called the CAP proposal. We have it in Massachusetts.

Is the Senator from Montana, or anyone on the other side, willing to sponsor that and bring it up this afternoon? Of course they are not.

Holding parents responsible is what we want and what they oppose. We listened to how we want family responsibility, parental responsibility. That is what this child access prevention legislation is all about. But we are denied even the opportunity to debate it.

So don't lecture us about it. Don't lecture us about it.

Safety locks, to try to make sure the 1,200,000 guns which are loaded and unlocked in households across America—where children will go this afternoon—have safety locks. Requiring that every new gun have a safety lock, and trying to hold parents responsible, is that so dramatic? Of course it is not.

The PRESIDING OFFICER. The Senator has used 8½ minutes.

Mr. KENNEDY. I have a minute and a half, I believe.

Mr. President, the possession of automatic weapons, to change this from the age of 18 to 21, we are opposed on that.

This morning I looked on the web to see what has been happening in the last few days.

May 15: Georgia boy 12, accused of killing a 10-year-old cousin.

May 15: Chicago sees five youths injured by gunfire in 36 hours.

May 15: Michigan boy 17, son of mayor and Congressman—one of our colleagues—dies from self-inflicted gunshot.

May 11: Mississippi, 5-year-old shoots sister, 2, with mom's unlocked gun.

May 11: Arkansas boy uses gun from home to shoot at officer.

May 10: Florida, 5-year-old takes gun to prekindergarten.

May 8: Montana, teen dies from accidental self-inflicted gunshot wound.

The list goes on. That is in the last week alone.

For how many more weeks will we have these lists? How many more weeks are we going to be denied by the Republican leadership the opportunity to do something about it?

That is what this debate is about. That is why their position is irresponsible. That is why we are going to continue to battle during the course of this Congress to protect these children in this country who need our protection.

To recap, since Columbine, the National Rifle Association and the Republican leadership in Congress have succeeded in blocking any action on new or stronger gun laws with a blunt response: ''We don't need new gun laws, just enforce the laws already on the books.''

We need to expose the National Rifle Association and the Republican hypocrisy. The NRA has systematically weakened federal gun laws over the past two decades and has made law enforcement's job of apprehending criminals more difficult.

There are three major components of our weak gun laws that have the fingerprints of the NRA all over them: The McClure-Volkmer Act, the Brady Law, and the funding of ATF agents.

The NRA-sponsored Firearms Owners' Protection Act of 1986, also known as the McClure-Volkmer Act, is perhaps the strongest evidence of NRA hypocrisy on gun enforcement. With its passage, the NRA accomplished the following:

It allowed unlicensed individuals to sell their personal firearms as a ''hobby.'' The result has been the sale of massive numbers of firearms to criminals and juveniles without background checks. This provision not only created a vast secondary market —it also opened up the ''gun show loophole,'' which many of us in Congress are now struggling to close.

It facilitated the sale of guns to criminals and juveniles by turning gun shows into a booming business.

It allowed criminals to keep or regain their rights to own guns.

It severely restricted the ability of the ATF to conduct inspections of the business premises of federally licensed firearms dealers.

It raised the burden of proof for violations of federal gun laws.

The seven-year battle to pass the Brady Bill and the NRA's ongoing attacks on the National Instant Check System show that the NRA's claims to support background checks is utterly specious.

Before the Brady Bill was passed, 32 states lacked a background check system. A criminal could walk into a gun store, sign a form stating he is not a prohibited purchaser, and walk out with a gun. The form would simply be filed away, with no follow-through to make sure that the purchaser's statements were accurate. The Brady Bill was designed to close this loophole by reducing an honest background check and waiting period, and the NRA worked tirelessly to defeat it.

Only when the NRA realized that the Brady Bill was unstoppable did it shift its efforts to weaken the law as much as possible. It attempted to push through the immediate reliance on an ''instant check'' system—a system that was not technically feasible at the time.

Even after embracing an ''instant check'' system, the NRA has continually sought to undermine the system's integrity and efficiency, by preventing law enforcement from maintaining any records on the background checks it conducts.

Most telling is the NRA's continued opposition to background checks on all gun purchasers, including all gun show sales and private sales. If the NRA supports background checks, why do they want to keep this gaping loophole open in our gun laws?

Finally, it is no secret that the NRA has tried to undermine federal law enforcement, particularly the ATF. NRA rhetoric combined with its campaign to financially cripple the ATF demonstrate the gun lobby's single-minded thoroughness in carrying out its extremist agenda. The NRA makes the gun laws weak and difficult to enforce—and it also undermines the agency that has primary responsibility for enforcing those laws.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. May I inquire how much time remains on both sides?

The PRESIDING OFFICER. The majority has 17 minutes; and the minority has 81 minutes.

Mr. CRAIG. Mr. President, I yield 15 minutes to Senator BUNNING.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I would like to return to the underlying bill, the MILCON bill.

I rise to speak in support of the Byrd-Warner Kosovo amendment that was included in this measure by a vote of 23–3 by the members of the Appropriations Committee.

The committee got it right. It is time for Congress to exercise its constitutional authority and its constitutional responsibility to address the basic policy issues involved in the deployment of U.S. ground forces in Kosovo.

More than 5,900 U.S. troops are currently participating in the NATO peacekeeping operation in Kosovo, despite the fact that Congress has never authorized—or even formally debated—U.S. involvement in Kosovo since the Senate, on March 23, 1999, authorized airstrikes against Yugoslavia.

We need a plan. We need a policy. We need an exit strategy. And, right now, we have none of these.

I remember very distinctly, back in 1995, when I was serving in the House of Representatives and we passed, with bipartisan support, a resolution calling

on the President to obtain congressional authorization before deploying troops to Bosnia.

That resolution passed by a vote of 315–103.

Despite that vote, President Clinton went ahead with a large-scale and long-term deployment of tens of thousands of our troops to Bosnia without congressional approval or any meaningful debate.

Our concern then was the fact that there was no well defined mission—no exit strategy—no plan.

We were given assurances that we wouldn't be there long. Our troops would be brought home in a year or two. But now, here we are five years down the pike and our troops are still there. There is no end in sight. No plan. No exit strategy.

The same thing is happening in Kosovo.

We did our part in Kosovo. We bore the brunt of the costs and the risks involved in the air war over Kosovo. It was U.S. pilots and U.S. planes that forced the Yugoslav withdrawal from Kosovo that allowed for the deployment of the U.N. peacekeeping forces.

We have done our part.

I firmly believe that it is time for the European Community to live up to their responsibilities. Kosovo is in their back yard. Our European allies should assume more of the responsibility for peacekeeping.

I believe that there is no justification for U.S. ground forces being placed in the middle of age old feuds and animosities.

I believe we should never have sent U.S. ground forces into Kosovo. And I believe that we should bring our fighting men and women back home.

I do not believe that we should drift along without a policy—without a plan—without an exit strategy—in Kosovo as we have been doing in Bosnia.

The Byrd-Warner amendment does not really go as far as I would like to go. It does not say, ''We are going Home.''

It simply says that if the President of the United States can make a case for keeping troops in Kosovo—let him do it.

The Byrd-Warner amendment is much more cautious and conservative than I would like us to be.

But it would require the President to develop a plan to turn the ground combat troop element of the Kosovo peacekeeping operation over to the Europeans by July 1, in the year 2001.

It does not require the immediate withdrawal of U.S. troops. It would terminate funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, of next year, unless the President seeks and receives congressional authorization to continue that deployment.

It gives the President a year's notice. It gives the European Community a year's notice.

This amendment basically says to the President—not only our current President but whoever replaces him as well—develop a plan to get us out, or come before Congress and the American people and explain to us why it is the Nation's interest to stay in.

This amendment simply says it is time to quit drifting along, it is time to quit putting the lives of our young people on the line without any clear mission, without any clear policy, without any plan.

It is our responsibility. It is Congress' responsibility to conduct oversight of the policies that result in the deployment of U.S. troops abroad. It is time we lived up to that responsibility and the Byrd-Warner amendment does just that.

It simply says, ''Drift'' is not a valid substitute for a national defense policy.

And it tells the President to give us a policy, explain it, convince the American people and the U.S. Congress that it is in our national interest to keep ground troops in Kosovo—or bring our troops home.

I urge my colleagues to support this reasonable and responsible amendment.

The PRESIDING OFFICER (Mr. HUTCHINSON) The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. WELLSTONE. Mr. President, first of all, I wish to thank some of my colleagues I have heard out here on the floor. I had a chance last night to listen. I had to go back home. I have a ruptured disc in my back. I was lying in bed listening to Senator BOXER. I thought she was brilliant. And when Senator KENNEDY speaks on this matter, I think he speaks with great moral authority. I say to Senator BOXER that I use the word ''brilliant'' carefully. It is not to try to get her to like me; we are already good friends. I just think she spoke with a lot of eloquence and a lot of feeling.

I am not going to actually go through all of the provisions we have been talking about because people who follow this debate have heard that already. I want this juvenile justice bill out of conference committee, although there are other parts of the bill to which I really object. I think it is unconscionable that it has been blocked. I think these sensible gun control measures must be passed by the Congress—the House and the Senate.

Instead, what I want to do is talk about this Million Mom March and how it affected me and how it has affected my wife Sheila. We came back from, actually, Wisconsin where I went to support Tammy Baldwin and came back to D.C. to take part in that march. We did that because we wanted to join in with a lot of mothers from Minnesota. Second of all—actually, I had a discussion with Senator BOXER about this—I thought, this is really historic; I should be there.

I don't really know how many mothers were there. I don't know whether it was 750,000 or 650,000, but it was very powerful. I really believe there were two messages to that march. One has been much discussed. The other has been less discussed. The first message was that you had mothers basically saying to the Nation—much less to the Congress—there is too much violence; there are too many of our children being killed; we can do much better as a nation.

We are all for doing everything possible on prevention. We are all for making sure the existing laws are enforced. We are all for making sure we figure out how to help children with troubled lives—some of the children who committed these crimes or a murder. But we want our Congress—if it is our Congress—to pass legislation that will make sure some of these children and other citizens who should not have these guns don't get these guns in their hands—make sure we deal with the loopholes, and make sure people with a history of violence don't have these guns. Surely, we can do better. Nobody can ever get it 100-percent right. Nobody can be sure those citizens who should not have access to guns don't get access to guns. Nobody can stand here on the floor of the Senate and say if we pass these measures, we won't have a repeat of a Columbine or what happened in many other schools. But we can certainly do everything that is humanly possible to try to reduce the violence and try to reduce the number of children that are murdered. It is reasonable.

I come from a State where Minnesotans love to hunt. They do not want their long guns taken away. They do not want their rifle hunt taken away. This has nothing to do with that. It has nothing to do with the basic constitutional rights. It is not written anywhere in the Constitution that anybody who wants to own a gun—even if they have a history of violence, are convicted of a violent crime, even if they have used guns before—should be allowed to have a gun. There is nothing in the Constitution that says that.

That is what this is all about. That is what these amendments are all about.

I think the first message on the part of mothers—I do not know. We will see. The proof will be in the pudding. We will see how history writes about this later depending upon the followup of this march. But I see that march as the beginning of a very important citizens lobby in the country. You had a lot of women who came. I know that in Minnesota we have a lot of Democrats; we have a lot of Republicans; and we have a lot of women who really do not care about either party, to tell you the truth. They do not really care. But they care fiercely about this issue. I think they came here with a lot of courage. I think they came here with a lot of hope. That is good. That is all

about representative democracy. They are not afraid to take on powerful special interests. They are not afraid to hold all of us accountable. They are not afraid to speak out for their children and their grandchildren. They are not afraid to work hard, to speak up, to lobby, to write letters, to advocate for sensible legislation that would reduce some of this violence and save lives. They are not afraid to do that.

I think there was a lot of determination and a lot of indignation. I say to colleagues that I personally think indignation can be good. I would much rather women, men, and all citizens who believe we ought to do something to reduce this violence, and to get some of these guns out of the hands of children and other people who shouldn't have these guns—I think it is good that there is indignation. I think it is good that these women are saying to Senators and Representatives that we are not going to march here and have this big rally, and when the smoke clears away, you will never hear from us again. That is not going to happen. I think that makes our country work better. That is the second message.

I think what happened on Sunday was inspiring. I think the mothers provoked the hopes and aspirations of other women and men in the country that, yes, we can change legislation; yes, ordinary citizens matter; that we have a right as citizens to make demands of the Congress and to be as bold and as courageous as we can be as citizens in a democracy. I think that was a message of this march. That is a wonderful message. That is an empowering message.

Finally, there was another message, and if was a different one. The next day we had a panel discussion. There were a number of women crossing all income lines and all racial lines who lost children. I made the comment during this discussion when some of the mothers were speaking that people kept trying to get the mikes closer. But I think one of the reasons their voices were so quiet was because there is so much pain.

I pray for our family. We have children and grandchildren. I pray that we never have to ever go through that. I pray no mother, no father, no grandparent, no brother, no sister, no wife, no husband ever, ever has to go through the living hell that these women have gone through having lost a child to this violence. At that discussion I think there was a lot of personal pain and a lot of agony. God knows, I don't know how these women have done it. I really do not. I do not know that I could have done it. They have somehow been able to muster up the courage to try to do everything they can to save the lives of other children. To honor them is the least we can do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague from Idaho for yielding.

I should have known that as election season approaches we would have to be down on the floor with more debate on gun control, and, unfortunately, the hostage held here—for our service men and women who are waiting—is the military construction appropriations bill. It is now being held hostage by this debate. It is unfortunate that some of our colleagues would do this to our military who we know are very much in need of a lot of the dollars and programs that are in that budget.

Frankly, there is nothing more politically expedient or coldly opportunistic or blatantly unconstitutional, frankly, than gun control. It is pretty clear.

I do not know how our colleagues can say the first amendment is all right and the second amendment isn't.

Of course, it is an unmistakably and an unspeakably horrible tragedy when someone is killed. And it is very difficult to sometimes respond to the emotionalism of those who have lost a loved one in a tragedy such as a shooting or any other tragedy. But our response, my colleagues, should not be to disregard our oath of office and to walk away from the Constitution of the United States. We took an oath right there in the Well to ''defend and support'' the Constitution. The last time I looked, the second amendment was part of that Constitution. I would have more respect for my colleagues if they came down and offered an amendment to remove it. At least that would be more honest.

Our response should be to encourage gun safety, too, and to crack down on the scum, the criminals, who commit these horrible acts against us, and to take an introspective look at ourselves and our children.

We need to restore respect for all human life ourselves. We need to stop calling gratuitous and indiscriminate violence in the popular media, in TV, movies, and in videos ''art'' and start calling it the trash that it is because it is corrupting young people's minds, and it ruins their souls. These are the problems about gun violence—not guns.

My colleague from California, Senator FEINSTEIN, a few minutes ago on the floor, made some very interesting remarks. She said, and I am using her words:

> Debunk certain myths that the National Rifle Association has developed; the first is the myth they have developed with respect to the second amendment of the Constitution.

She said:

> ''Well-regulated militia'' refers to the National Guard.

She said:

> No individual right to keep and bear arms under the second amendment.

She said the second amendment is a:

> [F]raud on the American public by special interest groups.

She said:

> The second amendment refers to the right to keep and bear arms only in connection with a state militia. In other words, the National Guard, not an individual.

She also said:

> The second amendment does not guarantee an individual's right to keep and bear arms.

Those are startling, shocking statements from a colleague whom I respect immensely. She is entitled to her position. But my colleague mentioned various court rulings that supposedly decided that the right to keep and bear arms is only for the Government. It is exactly the opposite. The courts said so; so it must be right.

But let me tell you about some decisions that the courts made that weren't right.

No. 1, they said in Dred Scott in 1857 that a black man couldn't sue in Federal court because he was property. Do you know what. The courts were wrong when they said that—dead wrong.

I also point out that in Plessy v. Ferguson they said ''separate but equal'' public facilities for blacks and other facilities for whites. The courts said that, too, and they were wrong.

I don't think my colleagues would have argued on the floor of the Senate that the Supreme Court was right in those cases. There are plenty more cases where the courts were wrong—morally, legally, and constitutionally wrong, wrong, wrong.

So don't come down to the floor of the Senate and say just because some court said it that it is right, right, right, right, because it isn't.

My colleague also mentioned various judges. There are many judges who have upheld the individual right to keep and bear arms. There is a long list of them. I am not going to go through the list. I would rather quote instead of the judges, those fine people who wrote the Constitution, and who lived it.

They know what they meant. They said what they meant: Inalienable right to keep and bear arms.

Let's hear from a few who I think knew what they were talking about.

Thomas Jefferson: ''no free man shall ever be debarred the use of arms.'' That was when he proposed the Virginia Constitution in 1776.

Any uncertainty about that statement?

> Laws that forbid the carrying of arms . . . disarm only those who are neither inclined nor determined to commit crimes. . . . Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man.

That was Thomas Jefferson's ''Commonplace Book,'' 1774–1776, quoting from ''On Crimes and Punishment'' by criminologist Cesare Beccaria, 1764.

George Mason, of Virginia:

[W]hen the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man, who was governor of Pennsylvania, to disarm the people; that it was the best and most effectual way to enslave them; but that they should not do it openly, but weaken them, and let them sink gradually . . . I ask, who are the militia? They consist now of the whole people, except a few public officers.—Virginia's U.S. Constitution ratification convention, 1788.

Further: ''That the People have a right to keep and bear Arms; that a well regulated Militia, composed of the Body of the People, trained to arms, is the proper, natural, and safe Defence of a free state.''—Within Mason's declaration of ''the essential and unalienable Rights of the People,'' later adopted by the Virginia ratification convention, 1788.

Samuel Adams, of Massachusetts:

The said Constitution [shall] be never construed to authorize Congress to infringe the just liberty of the press, or the rights of conscience; or to prevent the people of the United States, who are peaceful citizens, from keeping their own arms.—Massachusetts' U.S. Constitution ratification convention, 1788.

In other words, freedom of the press, Freedom to bear arms—yes, yes, yes.

William Grayson, of Virginia: ''[A] string of amendments were presented to the lower House: these altogether respected personal liberty.''—Letter to Patrick Henry, June 12, 1789, referring to the introduction of what become the Bill of Rights.

Richard Henry Lee, of Virginia:

A militia when properly formed are in fact the people themselves . . . and include all men capable of bearing arms . . . To preserve liberty it is essential that the whole body of people always possess arms . . . The mind that aims at a select militia, must be influenced by a truly anti-republican principle.—Additional Letters From the Federal Farmer, 1788.

James Madison, of Virginia: The Constitution preserves ''the advantage of being armed which Americans possess over the people of almost every other nation . . . (where) the governments are afraid to trust the people with arms.''—The Federalist, No. 46.

Tench Coxe, of Pennsylvania:

The militia, who are in fact the effective part of the people at large, will render many troops quite unnecessary. They will form a powerful check upon the regular troops, and will generally be sufficient to over-awe them.—An American Citizen, Oct. 21, 1787.

We could go on and on.

Noah Webster, of Pennsylvania:

Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword . . .

Don't come down to the floor and tell me the founders meant that the second amendment didn't mean anything. They put it in because they knew the dangers of an unarmed citizenry. Just because we have these terrible acts of violence perpetrated upon innocent people in this country—by criminals, by scum who prey upon us—is not a reason to take away our rights under the second amendment. It is a reason to put them away, put them in jail and throw the key away and leave them there, and stop having sympathy for these people who do this.

I have a long list of people, founders who knew what they were talking about. They wrote the Bill of Rights. The Bill of Rights is about individual rights, not about government rights. It is about individual rights. That is why they put all 10 amendments in the Constitution.

Does my colleague mean to say that the right to free speech, the right to free expression, the right to the freedom of religion or trial by jury or freedom against cruel and unusual punishment belongs to the State? That sounds like Communist Russia.

One member of the Supreme Court, Justice Joseph Story, appointed by James Madison, in his ''Commentaries on the Constitution,'' considered the right to keep and bear arms the ''palladium of the liberties of the republic'' which enables the citizenry to maintain and defend a free society.

And now let's take a look at the Thesaurus.

A synonym for infringed, as in ''the right to the people to keep and bear arms shall not be infringed,'' is encroach.

Encroach is defined by Webster's New World College Dictionary as ''in a gradual or sneaky way''; ''to advance beyond the proper, original, or customary limits; make inroads on or upon.''

That sure sounds like what some of my colleagues are trying to do, trying to sneak around or circumvent the second amendment. They are using terrible tragedies that we all deplore to do it. I would like to punish personally, if I could, every single one of those people who committed those atrocities, but we must not trample the Constitution of the United States while we do it. Let's remember that oath we took: Uphold the rule of law and uphold the Constitution.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I stand in support of the Daschle amendment. I want to get back to what it says. We heard a lot of excited debate, but here is what the Daschle amendment says.

No. 1, we commend the million moms—by the way, I think there were more than a million people across this country—for exercising their rights to gather and to send a very strong message to the Congress; in this case: Save our children, stop the violence; stop the mayhem; stop the school shootings; stop the church shootings; do what we are supposed to do.

It was a very clear message. We commend them today.

Second, the Daschle amendment says bring back the five sensible gun laws that passed the Senate already, get that conference to meet, get the juvenile justice to meet, and send those laws to the President for his signature. Very, very simple.

What does the other side say? I ask with great respect the Members on the other side who are great debaters. I was here last night until quite late, listening and debating.

The other side says no laws are needed, a change in behavior is needed. They said: Laws don't change behavior. I will take that to its logical conclusion. If laws don't change behavior, why do we have laws against murder? Why do we have laws against rape? Why do we have laws that regulate products so when our kids pick up a doll, they don't choke on it? We do it to protect our citizens.

We are a government of laws, not men. That was stated by our founders. It is a basic foundation of our Nation. I believe personally that guns should not be in the hands of children. Children and guns do not mix. I believe, personally, that anyone who is mentally unbalanced should not have a weapon because they do not know what they are doing. We heard from a woman who said, ''My brother is a manic schizophrenic and he has threatened my family. I do not know what to do because he could go to a gun show, get a gun, and kill my child.'' So I believe mentally unbalanced people should not have guns. I also believe criminals should not have access to weapons.

That is what the people on this side of the aisle are trying to do. If you are a responsible adult, yes, you can have that weapon. If you have responsibility and you understand what you are doing, that is one thing. But if you are not responsible, no way; that is it.

What is so controversial about that? My friend says, if there is a murder with a weapon, put that person away. Of course, put that person away. Enforcement is up in this Nation.

USA Today did an analysis in June 1999. They said gun laws are enforced more vigorously today than 5 years ago by any measure. Prosecutions are more frequent than ever before. The number of inmates in Federal prison on gun offenses is at a record level.

Of course, you put people away; you throw the book at them. As far as I am concerned, you can do anything to them. That is how I feel about someone who shoots and kills another person. But that doesn't stop the shooting. That doesn't stop the heartbreak. That doesn't stop the mayhem. We know that. You need to do both. We keep getting a false choice here: Enforcement or no gun law. On our side, we say enforcement and sensible gun laws.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mrs. BOXER. I ask for 1 additional minute.

Mrs. MURRAY. I yield 1 additional minute to the Senator from California.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. There is a war in our streets. Here is where we stand. We lost

58,168 of our beautiful citizens in an 11-year period in the Vietnam war until President Nixon ended that war because the people marched and the people said enough is enough.

We have lost, in an 11-year period, 395,441 of our citizens. We have a war at home. It is going to take courage to stand up and say enough is enough. Let's commend the million moms.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 7 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mr. SCHUMER. Mr. President, I thank the Senator from Washington for yielding the time and the Senator from California for, as always, her intelligent and heartfelt remarks. She is able to combine both, intelligence and direct from the heart, and it is great to listen to her.

I rise in support of the Daschle amendment. Let me make a couple of points here. I do not think we should even have to be debating whether to close the gun show loophole or these other modest measures because we all know they are the right thing to do. We all know they have the overwhelming support of the American people. We all know it is a small group of people—heartfelt, truly concerned—who hold this place in logjam on the issue of guns.

Not to close the gun show loophole? Not to have a Brady check every time a gun is passed from one hand to another? I go around my State and I ask gun owners: Has the Brady law interfered with your right to bear arms? Not one person says yes. If it does not interfere when you go to a gun shop, why will it interfere when you go to a gun show?

I had wanted to have a colloquy with my friend from New Hampshire, but he is not here now. But he is talking, with great erudition and great passion, about the Founding Fathers and what they had put in the Bill of Rights, a document we both revere. ''Revere'' is almost the right word. It is almost a godly document.

I would have liked to have asked him if he believes the second amendment is absolute. Nobody much does. I believe in the first amendment. I believe strongly in the first amendment. Blood is shed for it. But when Judge Oliver Wendell Holmes said you can't scream fire in a crowded theater, he was putting a limit on the first amendment.

We put limits on every amendment. What some of my colleagues seem to fail to realize is, the one amendment on which they do not want to put any limits is the second amendment. I am not one of those who belittles the second amendment. I think there is a fair argument that it deals with individuals bearing arms as opposed to just militias. But I just as strongly believe that reasonable limits can be placed on the second amendment the way we place them on the first.

Freedom of religion is sacrosanct, as it should be. But you can't avoid taxes because you say it is your religion. You can't avoid service in the Army—you can modify it but not avoid it—because you say it is against your religion. Why is it that the only amendment we hear from the other side should not have any modification whatsoever—even a modest modification such as the Brady law applying at a gun show—is the second amendment? I argue it is a misreading of the Constitution.

I argue to some of my friends on the left, when we demean the second amendment, we are not playing fair because it was put there in the Constitution by the Founding Fathers and by the Thirteen Original States just as the other nine were in the Bill of Rights. But I would argue with my friends from the other side of the aisle that when they say it is an absolute right, as they seem to be saying today because these changes are so modest, they are just as wrong as the people they oppose on the left who demean the second amendment or who want to repeal it.

I would like to make one other point. The second-degree amendment by, I believe it is the Senator from Mississippi, Mr. LOTT, talks about enforcement. Again, I challenge my colleagues to put their money where their mouth is. I believe in enforcement. I try not to let ideological barriers get in the way. I have stood shoulder to shoulder with NRA members in New York State as we have implemented Operation Exile in Buffalo, in Rochester, in Syracuse, in Albany, and it has worked. It is an enforcement proceeding, and it works. But in so many other enforcement areas we get no help. In this resolution, No. 7 says it is a Federal crime for any person to knowingly make a false statement in an attempted purchase of a firearm. It is a Federal crime for convicted felons to purchase a firearm. Then it goes on to say that 500,000 people have tried to buy firearms at gun shops and very few have been arrested.

Do you know why very few have been arrested? Because of amendments supported by people on the other side that do not let an ATF agent stand inside a gun shop; because of amendments supported by the other side that the records must be destroyed; because there is actually a law on the books that says there can only be one unannounced visit on a gun shop a year.

You want enforcement? I would love to have enforcement. I am a tough-on-crime guy. I am for throwing the book at these folks who use guns in crimes and who have guns illegally. But you cannot enforce the law if you are going to put obstacles in the way.

We found out by a survey done by my staff that only a small number of these gun shops sell most of the crime guns. Fewer than 1 percent of the gun shops sell 50 percent of the crime guns. So if the ATF were given permission by this body to enforce the law, you could shut down those few bad gun shops and let the others flourish. I welcome the opportunity to work with the Senator from Idaho, the Senator from Montana, and the Senator from New Hampshire on an enforcement bill that would do the things we have to do. I welcome that opportunity. Enforcement is a good idea.

But as the Senator from California said, we can do both. One is not a substitute for the other. Enforcing the law is not a substitute for closing the gun show loophole. The two are not contradictory in intellectual concept or in implementation. I think it is somewhat disingenuous to put the two in contraposition, one to the other.

I thank the Senator for the time she has yielded.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. KERREY. I thank the Chair. Mr. President, I thank the group of people who organized the Million Mom March on Mother's Day. Three-quarters of a million people coming to Washington, DC, is rather impressive. I suspect even opponents of what they are trying to do are impressed with citizens' willingness to come to their Nation's Capital, especially in this case, declaring their intent to organize in a peaceful, law-abiding fashion to change the law. I wish them all the good luck in the world, and I appreciate very much the effort they have made and the success they had on Mother's Day.

I also thank Senator DASCHLE for bringing the juvenile justice issue back before this body. All of us—at least I do in Nebraska—wrestle with this question of juvenile justice on almost a daily basis. Whenever I am back in the State, it quickly goes to the top of the list of things about which people are concerned. We have methamphetamine problems and other law enforcement problems, but juvenile justice is at the top of the list.

This legislation would be relatively easy to pass were it not for this gun show amendment which I will address. It has tougher enforcement provisions, but it also provides resources to States, Governors, and community organizations so we can prevent crime from happening in the first place. It is almost without controversy that the compromise provisions we reached on the law enforcement side and the prevention side will work, and the communities are asking for that bill. What is holding it up is this gun show provision. I have come to the floor to talk about it.

I listened carefully to the opposition to the original Lautenberg amendment, especially those who said there was too much paperwork, too much regulation. I played a role in it, I called Tom Nichols in Omaha, NE, who operates one of the largest gun dealerships in the Midwest to ask him if he would help me fashion something. Frankly, I worked

with Mr. Nichols before trying to reduce the paperwork gun dealers face, which does not increase safety but increases paperwork without anything one can measure and say was beneficial.

He agreed, understanding he would take a little heat for participating. I shipped him the Lautenberg amendment. He made modifications and changes. Senator LAUTENBERG offered that amendment the second time. Now, what we are talking about is something that, in my view, requires a minimal amount of regulations.

As the Senator from New York said earlier, unlike most businesses, a gun dealer has a relatively small amount of regulation to face. It may feel like a lot if it is your business. I am licensed to sell alcoholic beverages in the State of Nebraska, and there is no restriction that someone can only come in once a year to inspect my premises, and if I destroy my records, it is only a misdemeanor. They can come in six times a day if they want to make certain I am obeying the law. We have a fairly light hand already in terms of regulation, given the transactions that are in place.

The Lautenberg-Kerrey—if I can be so bold as to call it that—amendment decreases in a significant way the paperwork that was required in the original amendment.

If one looks at the statistics, there are a very high number of handguns that are purchased from dealers, about 3.5 million, and about 2 million that are purchased off the books. I am not saying all those are bought at gun shows, but there are 2,000 to 5,000 gun shows every year, so a pretty big fraction of those are purchased there.

Like every licensed dealer, this is what the gun show dealer will have to do: They will have to register with ATF and pay a small fee. If someone objects to the size of the fee, let's debate that. They license themselves; they just register with ATF.

Each vendor has to show proof of identification when they check into the gun show. All they verify is that the vendor is who he or she claims to be.

The gun show promoter has to let people know every gun sold has to go through the NICS background check. That is a full 3-day background check. That is the extent of the regulation. We modified the original amendment and now have one that, in my view, will save lives. Will it save millions of lives? Probably not. Will it save hundreds of lives? Probably not. What value do we place on a human life? How do we value the number of lives that have already been saved by the Brady background checks themselves?

The State of Nebraska is a State where hunting is almost a religion; it is a way of life. Kids in Nebraska are raised to handle guns in a safe fashion at a very early age, to handle long rifles, to handle shotguns, and even handguns at a very early age. These people are not the problem. I would not be here voting for something that is going to impose a regulatory requirement upon them if I did not believe strongly that it will save lives in other parts of the country. In my view, it will. That is what this is all about.

Are we going to try to balance the needs of one group of people against the needs of another? The Senator from New York talked about that. That is exactly what we do. That is what the doctrine of relative rights says. I do have freedom of speech, unless my freedom of speech bumps up and endangers the life of somebody else. Oftentimes, that is the problem with guns.

I agree with those who say we ought to enforce the laws. I agree that law enforcement needs to be given more power. But, I don't agree that enforcing the laws alone is the answer. We must also enact reasonable measures like this.

This is a very reasonable change in the laws of the land. It imposes what I consider to be a very modest regulatory burden upon people who are organizing gun shows. It is hardly about any measurement of regulation. Go to any business in America where we regulate for safe drinking water or anything else. This is a relatively small burden for such an obvious benefit.

I hope Senators will examine—I see the Senator from New Jersey is here—what I have been calling it the Lautenberg-Kerrey amendment. It imposes a very small burden upon people who are opening up gun shows and operating gun shows. I do not want to shut down the gun shows. This, obviously, does not shut them down; this allows them to continue to operate.

In addition, there is another argument that the playing field needs to be leveled, that the regulatory playing field needs to be the same on every premise where guns are sold. Why should you give me an advantage? Why should you say if you want to be a licensed gun dealer, build a building, and hire and employ people to work in your local community, there is a set of regulations you have to go through. But if all you want to do is have a gun show once every 6 months or so, you do not have to go through the same kind of regulation.

I appreciate very much that this has become a contentious debate, but frankly, when you look at what we are asking in the regulation, it perplexes me.

This is holding up a very important piece of legislation. The Juvenile Justice Act is a piece of legislation, in my view, that will reduce crime and reduce violent crime and increase the likelihood that it will prevent them as well. It has been worked out. Republicans and Democrats came together. It was a very big vote. My guess is, it will probably be 100–0 without this one particular contentious provision.

I hope Senators will examine what this so-called gun show provision does. It is not unreasonable regulation. It is reasonable regulation that, based upon the success of Brady, we can say will produce a benefit that is worth the price.

That is what all of us, as we try to figure out whether or not we are going to support a particular regulation, regardless of who is being regulated, ought to examine. Is the cost of the regulation worth the benefit we get? In this case, I overwhelmingly, enthusiastically, and unfortunately painfully, because it is slowing down the enactment of a very good law, come to the conclusion that it will.

I hope through the course of this debate, this will become clear. A majority in the country, 80 percent of the people, favor it when it is described specifically to them. It is not something that should be slowing down the Juvenile Justice Act. Indeed, we ought to see it as not only consistent with, but strengthening the Juvenile Justice Act and pass it with all due speed.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Idaho.

Mr. CRAIG. Mr. President I have sat quietly by through the hours of last evening and listened to my colleagues debate a sense-of-the-Senate resolution with great passion, and I respect them for their passion. I think all of us enter issues wanting to believe in them and trust they are the right thing to do. We saw an awful lot of moms on The Mall this weekend marching because they thought it was the right thing to do. They marched against violence, I trust.

Some of them have had violence ravaged against them and their families, and they were here to speak out about that. Interestingly enough, underlying the march was a premise of gun registration and gun control. I think most Americans recognize while that is an important issue with violence, that does not solve the violence that takes away so many of our young people. That is why we are on the floor today.

It is strange we find ourselves with such passion about something that will not count. A sense-of-the-Senate resolution is like walking outside and saying: It's pretty nice today, and tomorrow it will probably be better. But, of course, the Presiding Officer knows tomorrow it may not be better; it may be worse, weatherwise. In other words, just saying it does not make it so.

A sense-of-the-Senate resolution is in itself a political point, a political expression. It is not substantive law. It is not intended to be. It is intended to make a political point.

So what is the fuss about? The fuss is that we have already dealt with this issue, and the House rejected it. Somehow my colleagues on the other side of the aisle cannot accept the idea that the Congress of the United States has rejected something about which they feel so passionate.

So they have stopped the process in the Senate. They have chosen a tactic that most of us would choose not to use to stop the process in a nonsubstantive

way. I do not dispute their passion, but I do question their motives.

Here we are dealing with a piece of legislation that has to pass this year to make our Government run. I serve on the subcommittee of appropriations that deals with military construction. The Senator from Washington serves on that committee. She was there at that committee making sure her bases in Washington and my base in Idaho got treated fairly. But we are stalled out right now. We have lost 8 hours of critical time in a very short legislative year, not out of substantive debate but a political point.

I know that may spell some degree of importance, but passing the Daschle resolution today does not the world change. Passing the Lautenberg amendment last year might have changed the world if the House had not said no to the Senate's approach. So here we are today in politics and not in legislation.

Of course, the other side wants to be reflective of what those women said on The Mall. So do I. I cannot tell you I feel their pain because I have not lost a loved one to violence. But I think I can understand just a little bit of it. You see, there were other moms marching there, too, but they did not get much attention. They, too, had lost loved ones to violence. But they also recognized that they have a right in this country; and the right is to self-defense to protect themselves and their families when law enforcement cannot make it there in time. Moms want to do that. They will put themselves in harm's way to protect their children.

Tragically enough, the other moms are saying: Let the Government do it. The Government can fix this problem. And the Government can fix this problem if it will only pass a law.

Oh, my goodness. What a hoax. What a false premise, to tell those moms, who came from all over the country, with dedicated concerns, that we will just pass a law and the world will be a better place. It has not happened.

This Congress, year after year, struggles with violence in our country; and we reshape the structure of our laws to deal with it. Yet we have not found an answer to it. We have not found an answer to it because our culture has changed dramatically over the years.

The family unit is different than it used to be. Children are reared differently than they used to be. The violence in our juvenile culture today is alarming. We all appreciate it. We are all frustrated by it and angered by it. Yet you were led to believe that all kids die because of a gun. It ''ain't'' so. It just ''ain't'' so.

In 1997, 1,700 kids died because of motor vehicles. They were killed in a car crash, a violent car crash. Sixteen hundred were killed in traffic accidents. That is violence, perpetrated on somebody 10 years of age or younger.

Mr. President, 750 died by drowning. We know we cannot outlaw drowning. Now, we can teach kids to swim, and we can teach water safety, and we can lessen the risk, but, God knows, we cannot legislate here to stop drowning because if we could, we would. But we know we cannot.

Mr. President, 575 died of suffocation—rolled over on their pillow, rolled over on a plastic mattress, got a sack over their head—some very dramatic—and, in the end, a violent act.

Residential fires, 570; struck by or on something, 89; falls, 87; cycling, 78; poisoning, 58.

Now, this is 1997. But yet on The Mall on Saturday, it was: 5,000 kids die because of guns. They were not telling the truth. That is the problem. Because the bulk of those kids were 15 to 19 years of age, and they were caught in the crossfire of a drug war on the streets of America.

That is violence and that is tragic and that is horrible. And we are going to try to fight a war on drugs. But in 1997, only 48 kids age 10 years or younger were killed by the misuse of a firearm. And the number is less today.

Those are the facts. Those are the facts that come from the National Center for Injury Prevention and Control. And doggone it, we ought to set the record straight, and we ought to be honest with those moms. That is what we ought to be. Yet today we are not.

Today, the rhetoric is not about the violence in America against America's young people; it is about a false premise of passing a law and the world will be better and the Sun will come up tomorrow. I do not think we can do that. I would like to be able to do it. I am not at all convinced we can.

Firearms, misused, killing young people, 10 years of age or younger, is 10th or 11th on the list of how young kids die 10 years of age or younger. Those are the facts. It is important we talk about them.

So we are stalled out on a critically important piece of legislation that ought to move. I hope it will move.

We dealt with guns last year, and the Congress rejected what we did. I did not support it. I voted against it. I thought it had gone too far. Pass a law; fix it; it is all over with; we have made the world a safer place.

And 20,000 gun laws that we currently have, with few of them being enforced—and most of them not, in many instances—and we pass another law and turn to the American people with a straight face, and say: The world will now be safe? I think not. And guess what. The American people understand it.

On Saturday of this past week, a candidate for President stood up and said: I am going to buy a lot of safety locks, and I am going to make them available to people who want to use them. Somebody said: That is a silly idea. I say that is a great idea. Why aren't we doing this with Government here? Why don't we voluntarily get involved in making the world safer and educating people and training them?

The Senator from Nebraska said: Kids who are trained in the use of firearms do not hurt themselves. And they know better because they know a firearm is a dangerous object misused. Kids who are not trained, kids who are not educated, are the kids who hurt themselves. Yet this Government is not involved in an educational program.

So when a candidate for President steps up and says, ''Let's make the world safer, on a voluntary basis,'' somebody says, ''Make it mandatory.'' We are going to set up a cop system to go into every house to check to see if every gun has a trigger lock on it? I do not think we are going to do that. Yet that is kind of what the other side is suggesting: Make it mandatory, and enforce it.

How do you enforce a law such as that? The practicality is, you don't. You don't enter every home in America to prove it; that is, unless you have licensed the gun and you know the gun is there. Then do you do random checks on private property? I don't think we get there, either. I think our Constitution, somewhere else in its text, would deny the Government of this country the right to enter that private property, for whatever reason, unless there was just cause and a court order. Those are some of the real issues.

I am frustrated—I think my colleagues on the other side of the aisle are, too—that we cannot reach out and solve these critical problems, that somehow the passion that we feel about the violence that is wrought against the young people in this country cannot be fixed by this august and powerful body called the Senate. We know we can't fix it, so let's try to politic it. Boy, have we tried.

The other side couldn't gain traction because the American people said: Something is wrong besides just laws. Something is wrong in the culture of our country. Something is wrong with all of the violence our children see, and it transfers into their minds. Somehow they begin to understand that they can act violently, and there is no consequence for that action or there is less consequence. Yes, they watch a lot of violent activities on television and, yes, they play a lot of violent games and, yes, it has an impact. Well, let's fix Hollywood.

Do you think this side of the aisle would do that? I doubt that. We are not going to fix them because that is first amendment rights. Nobody over here is saying we have to restrict first amendment rights. It is only the second amendment we fix.

That is why we are here today, stalled out, for the political point the opposition is trying to make on this issue. It is raw politics. It is not substance, and they know it, because it is a sense of the Senate. Last year, when we debated the Lautenberg amendment, that was substance. That could have become law if the Congress of the United States had agreed. But they didn't.

We are here today stalled out for the politics of the issue, not the substance of the issue. We want to say to the Million Mom March and the hundreds of thousands who were gathered on The Mall, we care, we hear you. That is what we keep hearing from some of our Senators. Well, we all heard them, and you are darned right, we care.

The issue is violence in America—all violence, not just guns. That is a minority part of the violence. It is sometimes the most visible and the most publicized, but this is the beginning of spring and into summer. This is the swimming season. Nobody today is standing on the floor suggesting hundreds of kids will drown this year from improper training and improper supervision of their parents and we ought to pass a law to save all those kids. No, we are not doing that. Why? Because we can't. That is why.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. LAUTENBERG. Mr. President, we have just witnessed one of the most significant demonstrations this country has ever seen: 750,000 moms, some pops, some grandpops, some grandmas, people who love their children, people who want to protect their children, sending a message, when they gathered 750,000 strong, just in Washington, DC. There were other cities across the country where not too dissimilar demonstrations and marches were being held. There were large turnouts in lots of cities.

As a matter of fact, one in New Jersey, one mom march, was headed by people who have become my friends. Their name is LoCicero. Jake LoCicero and his wife lost their daughter on the Long Island train, killed by an assassin who took quite a few lives. They were active gun club members, NRA. They said: Enough; we are not doing this anymore. We don't want our daughter to have died in vain. She was young, about to get married, in her early twenties. They believed she had to make a contribution. Her life was so valuable, she had to leave a legacy that went beyond her short time on Earth.

Then we hear the trivialization of laws to try to protect children, as we just heard: It is just politics; it is only politics. What do you mean, you want to protect your kid when they go to school? That is politics.

When are we going to stop this nonsense here? ''Nonsense,'' I use the word advisedly. We just heard our friend from Idaho talk about how many children die in automobile accidents and how many die falling off bikes and how many die suffocating in their cribs. I ask any of my colleagues, don't we have regulations that say put a safety belt on, put a child in a child seat? I have seven grandchildren. I watch my daughters put their children in the seats because they don't want them to get hurt. They know what the rules are. They could violate the rules and say, no, I am not going to do it, but good sense says you have to do it.

There are all kinds of warnings about different mattress covers and plastic bags and things of that nature. There are warnings about wearing helmets when you go out for a bike ride. We try to stop the mayhem in those situations. But our friend over here said: No. Don't worry about the few kids who are killed by guns. He made a statement—and I want the RECORD to be checked to be sure that that statement was what I heard, and I listened carefully—guns don't kill.

How does that lead pellet get through a kid's heart or his head if it doesn't come from a gun? It doesn't come from a knife. It is not because of a slingshot. It comes from a gun.

Mr. CRAIG. Will the Senator yield?

Mr. LAUTENBERG. Yes, I will yield.

Mr. CRAIG. I did not make that statement.

Mr. LAUTENBERG. I will check the RECORD.

Mr. CRAIG. Please, check the RECORD. I did not make that statement.

Mr. LAUTENBERG. You said guns don't kill.

Mr. CRAIG. I didn't say that.

Mr. LAUTENBERG. I have the floor, thank you very much.

Trivializing the ownership of guns, saying that if we have gun enforcement laws, guards from the Federal Government will come into every room in every house. Don't protect the children.

He wants to have a statistical debate about how many really died. Not that many. Heck, no, not so many. A few maybe, but not a lot—unless it is your kid, unless it is your friend, unless it is your niece or your nephew or your sister's kid or your brother's kid. A lot of us have not experienced it directly, but anyone who doesn't empathize or sympathize with someone who has lost a child, who doesn't understand the emotion that renders, doesn't get it, just doesn't understand it.

When 12 young people were shot in Columbine High School, those were not the only wounds. There were some who were hit by guns who also were wounded. But that wounding took place throughout the school, throughout the community, throughout the country. People had a vision of that boy hanging down from the window pleading for help: Save me. We couldn't hear the words, but we could see the gesture.

Well, we are detached from that. Why do you have to control guns? Just because a few kids got killed? That is what is being said here. I can't believe my ears. We will check the RECORD. We could be mistaken about one thing, but check the RECORD and see what it says.

Kids get killed from drowning. It is as if to say, if kids get killed from bike rides, from car rides, from suffocating in a crib or drowning, then that is kind of normal. It isn't normal because we have lifeguards and all kinds of protections. But when it comes to guns, no, you can't touch that. We hear about the second amendment.

I am always reminded, when we discuss the second amendment, it was said by the Supreme Court that the amendment guarantees the right to be armed only in service to a well regulated militia.

No one has an automatic right to own a firearm. No one has the right to own a firearm without a license. No one has the right to buy a gun without those of us in the community asking who they are. I authored the Lautenberg law, along with Senator KERREY from Nebraska. Both of us served in the military. I wasn't as heroic. He is a Medal of Honor winner, having lost a leg in Vietnam. I spent my time in World War II. I was not touched. We know something about guns. Should someone be able to buy a gun from an unlicensed dealer? That is the subject. From an unlicensed dealer, no questions asked, buyers anonymous —oh, protect the identity of that potential felon, protect the identity of someone who may be so disturbed, that if they get their hands on a gun, they will kill somebody. It has happened. We have seen it lots of times. We have seen it at Columbine, with two young boys who were too young to buy a gun. A girl testified before the Colorado Legislature that she went around with them to find a nonlicensed dealer to buy guns. She said, ''If I knew then what I know now, I would have never done it.'' Twelve children and a teacher are now dead. There have been bombs and everything else.

We didn't have to openly say, OK, because kids get killed in swimming pools, cars, or in bike accidents, you can have guns. Why shouldn't you have guns? What does one thing have to do with the other? Heaven forbid it is a child in your family.

Talking about the second amendment, Chief Justice Warren Burger—a conservative appointed to the Supreme Court by President Nixon, and a gun owner himself—called the NRA's distortion of the second amendment ''a fraud on the American public.'' Cases are never tested on the second amendment in court. Now, they can't prove that. But there is this mythology about what happens when it comes to guns. If you want to own them, you can. If you want to identify yourself, fine. If you don't want to, that is OK, too. What I heard proposed was that maybe every child or every person who walks this Earth should have a gun, and they can act quickly enough so if a law enforcement guy doesn't get there on time, they can stop a murder that might be taking place. I ask the manager, is there any more time available?

Mrs. MURRAY. I yield the Senator from New Jersey 3 additional minutes.

Mr. LAUTENBERG. I will wrap up, Mr. President. This is a passionate debate, and it ought to be. It ought not to be called politics. I would like to hear any of those who advocate not shutting down the unlicensed dealers tell it to the 750,000 women out there, those who were talking from experience, who lost a child. We have heard them. The Senator from California and the Senator from Illinois are on the floor. We heard them talk about the child who had a bullet go through his spine here in Washington, DC—19 years old, a promising young man just in the beginning of life.

Mr. President, I have to ask this question. If this sense-of-the-Senate resolution is so insignificant that it should have just been in law, then why not let it pass? Why not have this Senate say: Million moms, we salute you; we commend you; we understand you; and we hear you—not, oh, no, no; we don't want to do that because that only encourages, in some perverse way, violence. And you have to get guns in everybody's hands so they can protect themselves.

I fought as hard as I could to get an amendment into law—a piece of legislation that would prevent spousal abusers from getting guns. I fought tooth and nail with Senators on the floor. Some might say that is a worthless thing; why bother? Well, 150,000 times a year it is reported that a woman in this country gets a gun pointed at her head and he says, ''I'm going to blow your brains out.'' What happens to the children who see that or the neighbors who hear that? What happens to the woman when he pulls the trigger? We know what happens. They fought me tooth and nail. But the President and I worked together and got it on a budget bill that had to pass.

Mr. President, 33,000 permits for guns have been denied when the applicant wasn't of sufficient mind or character to own a gun—33,000 times we have said no in 3½ years to those people who wanted to have guns. We had a fight over the Brady bill. Over 500,000 gun permits have been denied since the beginning of Brady. Does that help prevent lives from being lost?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mrs. MURRAY. I yield the Senator from New Jersey 2 additional minutes to finish his statement.

Mr. LAUTENBERG. It is time to put the rhetoric aside. Let's see if there really is an interest in doing what we want to do, and that is express ourselves and pass a sense of the Senate that we Senators agree we ought to do something about gun violence and not go into long tales about kids dying from drownings and other things. Why can't we regulate, in some form, the way guns are handled out there and make sure we know who the buyers are, make sure that we have the right kind of law enforcement? We do it because it has increased substantially since gun laws were on the books. We have reduced the number of people who are out on the streets with guns. They are in jail. But to try to minimize the value of controlling who buys a gun—how does that hurt anybody who wants to buy a gun, a legitimate gun purchaser? It doesn't hurt anybody.

I hope we can finally come together here and say, OK, this sense of the Senate doesn't hurt anything anyway. Let's do it and say we are serious. Let's say to the moms who marched out there last Sunday: We hear you and we understand what you are talking about. A million moms were marching from across the country. We hear debate about whether or not kids get killed from other sources as well. It hardly seems serious. It hardly seems real. It hardly seems possible that we could be having this kind of debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Before I yield to my colleague from Wyoming, it hardly seems important, but it is. I joined with the Senator from New Jersey to right the spousal abuse provision, and I voted for it. He didn't say that on the floor; he should have. We had some disagreements. We worked out those differences so that those who are adjudicated spousal abusers can't buy a gun. But those who were only accused but not proven can still hold their rights. Those are the facts. The Senator from New Jersey knows it; he failed to say it.

I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. ENZI. Mr. President, I want to bring to the attention of all Senators, and anyone else who might hear our words, that it is a very confusing situation here on the floor. One might think the issue up for debate is guns. The underlying issue of the entire debate process is military construction—military construction. That is where we take care of the security of this Nation. That is where we provide for military housing. That is where we provide for cleaning up the environment on bases that are having a problem. That is where we provide for the morale of our military.

But you heard guns discussed. This is an amendment that I think is not germane to the process. It is not about security, not about housing, not about the environment, not about the morale of our military people. It is not about the military. We are going to use up a day and a half debating that. The other side says, well, if it is so insignificant, why not pass it? Because we are setting a precedent for this body that we have not had before. We are setting a precedent for this body that under appropriations we are going to debate a sense of the Senate that anybody brings up, whether it applies to anything in the bill or not.

That is a very important precedent. It is very important that we do not set that precedent, that we do not get off on debating any whim that anybody in the Senate wants to do under any bill. There has to be a process—particularly a process for spending almost $2 trillion of the people's money. This is supposed to be a deliberative debate about spending the money—spending the money on military construction—just military construction. Instead we are talking about guns.

Last night, the Senator from California said we have time for this; that, after all, we have 4 months left before the new appropriations have to go into place.

I want everyone to understand that, 4 months. First of all, we will not be here for all of the 4 months. This is an election year. People will be leaving to participate in their candidacy. We will be gone during August.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. ENZI. I am sorry. Time is equally divided on this. I will not yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. ENZI. We have 4 months. One month we will be gone for recess. That leaves 12 weeks. We have 13 appropriations bills. We seldom pass more than one appropriations bill a week.

I can tell you that if we start doing sense-of-the-Senate resolutions on appropriations bills, we will not be able to get them finished in a week. What does that do? That puts the process that the Constitution says is ours, the Congress of the United States, in the hands of the President.

I have to admit that were I the President, I might want that to happen, and that is why the other side delays and delays and delays with things such as sense-of-the-Senate resolutions.

Last year, we put rule XVI back into effect. We said we are not going to legislate on appropriations bills. That was a major move for this country. We said there will be no legislation on bills.

Now what we are talking about as the point of this whole debate is whether we are going to have sense-of-the-Senate resolutions back door. Why is that important? We said no real legislation.

Now are we going to allow any kind of a debate we want on any kind of a topic with a sense-of-the-Senate resolution? A sense-of-the-Senate resolution says it is kind of our opinion, and it would make us feel good to pass it, and perhaps with all of the publicity we can persuade America that we are right. Well, America sees through that. America knows whether we are really doing our work or whether we are trying to make people feel good. We don't know that yet. But they know that.

That is the process that we are going through. This will set a precedent. We set a precedent under the budget this year. There were dozens of sense-of-the-Senate resolutions that did not make it into the budget process. I know. I negotiated two sense-of-the-Senate resolutions dealing with OSHA.

That is one of the most difficult things to reach agreement on between the Democrats and the Republicans. But it was for the safety of American workers. We agreed to two of them. We had another one on health care.

Sometimes it is difficult for Republicans and Democrats to agree. We agreed.

Then in the budget process, we said no, unless these have been fully debated. And there is a very limited time for debate. In the budget, we said we are not going to do that.

Some very good sense-of-the-Senate resolutions went down. We decided at that point in the process that we should not do sense-of-the-Senate resolutions; they really do not mean much except for people being able to stand up later and say: This sense of the Senate passed 100–0. Well, they passed it in a hurry to get it out of the way so we could get on with substantial debate that this body is charged with—the bipartisan effort that we are charged with of getting an appropriations bill finished, and then the other 12 appropriations bills that we are supposed to do.

We cannot concede 8 hours of debate on every issue that wasn't brought up through any other process. We can't give up 8 hours on every partisan issue that can come to this body.

Never mind that it was a knee-jerk, one-size-fits-all, do-it-in-Washington, make-the-people-feel-good motion. It doesn't solve problems. It just doesn't solve it. It is just a political issue. It isn't a complete reflection of even the march that happened Sunday.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from today's Washington Post by Courtland Milloy in which he talks about some of the other issues at the march. It wasn't all about guns. It was about the safety of our kids. But you can tell that the big publicity thing is guns. I ask the Senate to watch what is happening and not set a precedent.

I thank the Senator for the time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 17, 2000]

TO BE SAFE, START WITH THE DRIVER

(By Courtland Milloy)

Lisa Sheikh, a child safety advocate, was a volunteer at the Million Mom March. She was moved by the speeches, including one praising this generation of mothers for doing so much to make children safer, like getting childproof caps on medicine bottles and better car seats for children.

But Sheikh is also director of the Partnership for Safe Driving. She knows that more children are killed in car crashes than by guns and that many of the people operating those deadly vehicles are mothers.

''A lot of others are speeding and running red lights,'' Sheikh said.

Sheikh, fresh from the march, had come to see me because we disagree about some of the ways being used to get people to drive safely. She favors automated enforcement—i.e., cameras—to curb red-light running; I do not. I think a driver's education program, updated to deal with the new realities of our congested roads, would work.

She thinks an education campaign by itself would take too long to make a difference. She does agree with me, though, that driver's education and safety have never really been given a fair chance.

Most of the efforts by the National Highway Traffic Safety Administration, for instance, have been on making car crashes safer, not drivers smarter.

Indeed, the NHTSA Web page is taken up largely with news about seat belts, air bags and those celebrity ''crash dummies.''

''It's all about how well does this or that car perform in a crash,'' Sheikh said. ''No one is talking about the role of the driver.''

The Partnership for Safe Driving, which was formed three years ago, seeks to change driving behavior through television, radio and print advertising campaigns. The Washington-based organization is seeking funds for a nationwide education effort.

To be fair, the NHTSA puts out a little ''Driver's Guide to Coping With Congestion.''

''You are late for work—again,'' it begins. ''Traffic is bumper to bumper. You can feel the tension mounting. Suddenly you see an opening. You accelerate. You jerk your wheel quickly to the left. Mission accomplished.

''Welcome,'' the guide says, ''to commuter purgatory, where heavy traffic has unleashed the 'driving demon' in all of us.''

Tips to get out of this man-made hell include planning ahead, concentrating, relaxing, telecommuting or changing jobs.

I think we can do better than that.

When I was in high school, we had a real driver's education program, complete with driving simulators and a fleet of cars for real test drives. This was back in the 1960s. Surely, the technology is now available to provide even more comprehensive understanding of the rules of the road.

Moreover, my driver's education course was not just about how to maneuver a car. It was also about developing appreciation for the high level of cooperation required to keep our highways safe.

In recent years, driver's education programs have been cut from most public high schools in the country, even as crashes caused by inexperienced teenage drivers were increasing.

So, we cut funds for driver's education, then address the resulting problem with moneymaking enforcement techniques, such as red-light cameras. (Come to think of it, we do the same thing with public schools and private prisons. Cut funds in one, then clean up the resulting mess by building more of the other.)

Sheikh believes we have no choice for now, that red-light running has reached epidemic proportions. Running red lights, she notes, is the third leading cause of traffic deaths, behind speeding and drunken driving.

''People simply have more demands on their time—with two working adults struggling to get children to and from school, then going off to work, then getting them to soccer practice and other activities,'' she said. ''They don't have time to do everything. So they are trying to make up time on the road. Of course, that's not an excuse.''

But it could be part of an safe driver's education campaign: a soccer mom and her smoking gun that, in this case, could be a Volvo.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. REED. Thank you, Mr. President. I thank the Senator from Washington for yielding the time.

I rise in support of Senator DASCHLE's resolution to commend the participants in the Million Mom March, and to also call on Congress to pass meaningful gun safety legislation. Senator DASCHLE, as we all know, has been a long-time advocate and leader on the issue of gun control. I thank him for taking this issue on. I would prefer, frankly, to be speaking about real legislation.

I find it ironic that Members of the Senate would be bemoaning the fact that we don't have real legislation before us when, in fact, legislation is bottled up in a conference committee because of a gun lobby in the NRA. We all would prefer to be speaking about real legislation that would do something.

This is a resolution that follows another resolution I sponsored just a few weeks ago on the budget that would have called for the conferees to meet and to discharge and send to us a conference report including all the provisions, including the Lautenberg-Kerrey gun show provision that we passed almost a year ago. That resolution passed 53–47 on a bipartisan basis.

It is quite clear that these measures should return to us in the form of the juvenile justice conference report that will be passed by this Senate.

What that caused is the gun lobby and the NRA to do all they can to ensure that conference report stays locked up in the conference.

We are here today because we want to move forward on an agenda of sensible gun control. We want to respond to the thousands and thousands of mothers who came to Washington last weekend and who asked us to act responsibly to protect the children of this country. A vast majority of Americans support us. They support these measures, and they, in fact, are insistent that we take action.

If there is any reason today why we are talking about another resolution on a military construction appropriations, it is because the gun lobby has dug themselves in to prevent consideration of real legislation. We have to overcome that opposition. We have to overcome it by word and by deed. Last Sunday, the mothers of America marched. Now it is our responsibility to act today at least by passing this resolution.

We also know the real sticking point in this legislative battle is the Lautenberg-Kerrey amendment with respect to gun shows. What we want to do and what I think the American people want to do is apply the same rules of the Brady background checks to all sales at gun shows. The Brady bill gives law enforcement authority up to 72 hours—brief as it is—to conduct a background check on a prospective purchaser of a firearm.

What happened was in the development of the original Brady law there was a loophole created which would

allow unlicensed dealers at gun shows to avoid these background checks. Interestingly enough, three of the weapons used by the Columbine killers were acquired at a gun show because even these young men knew that they could go to a gun show and avoid a background check, and that they could, in cohort with another, purchase arms without a background check. We want to close it. I hope we can.

This is also the case throughout the country where this is not just a Democratic-Republican issue.

The Governor of Colorado, Gov. Bill Owens, a Republican, recently signed a petition to place a gun show initiative with a 3-day background check on the ballot in his home State of Colorado.

It is sensible, and it is long overdue. The opponents of this measure are suggesting that this is a mandatory waiting period—it is a 3-day waiting period—that a waiting period would destroy the gun shows. That is not the case. In fact, if you look at what is happening, it is because of technology. Because of the national instant check system, the FBI can clear 72 percent of gun buyers within 30 seconds. Another 23 percent are cleared within 2 hours. Ninety-five percent of those individuals who wish to purchase a firearm in this country have their background checks completed in 2 hours.

What about the other 5 percent?

The other 5 percent found out they are 20 times more likely to have prohibitive information in their files which will restrict their access to a firearm. Here is what is happening: The gun lobby and the NRA protect 5 percent of gun purchasers who are much more likely to be prohibited from owning firearms, are willing to sabotage the closing of this loophole, are willing to jeopardize, if you will, the safety of Americans. I don't think that is right.

What we can and should apply the Brady law across the board to all sales of gun shows. I don't think it will interfere materially in any way with the rights of a law-abiding citizen to acquire a firearm. In fact, I think it will contribute to the public safety and to the sense that the mothers in America tried so vividly to create last weekend: That this country, with all of its violence, has to do something different and has to do something better.

I hope we can move forward with real legislation, not another resolution. I hope we can recognize what hundreds of thousands of Americans were saying to their Government last Sunday: Pass sensible gun safety legislation.

I commend the mothers and all the supporters who were on The Mall. I commend Senator DASCHLE for his efforts. I hope we will, before Memorial Day, be voting on the juvenile justice bill containing these measures which will protect all Americans, and particularly the children in America.

I yield the floor.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 27 minutes; the Senator from Idaho has 30 minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Washington for yielding. For those who have not followed this debate closely, it is true that we are not debating the passage of a law; we are debating the passage of a resolution which is more or less a message of the Senate expressing its opinion.

Why aren't we debating a law, since this is supposed to be the Senate and we pass laws? Because the law is bottled up in a committee. The gun safety law we passed in the Senate after the Columbine massacre is bottled up in a committee by the National Rifle Association. The Republicans control the Senate and the House, and they will not let the bill come out of the committee. Those who believe gun safety legislation is needed have to resort to these devices to try to at least bring the issue up for consideration by the Senate.

My colleague from the State of Wyoming said the sense-of-the-Senate resolution is nothing but delay, delay, delay. Yesterday when we presented this sense-of-the-Senate resolution, it was the Republican side that delayed it for 5 hours. When we said we wanted to commend the Million Mom March and we wanted to bring the gun safety bill out of committee, it took the Republicans 5 hours to come up with an alternative, a substitute, which, if you read it, is, first, a diatribe against the Clinton administration and, second, the reaffirmation of the principles of the National Rifle Association.

That is their right on the Republican side to offer whatever they want to offer. We believe the message that came on The Mall last Sunday and across America, in Chicago and Los Angeles, of 750,000 mothers who gave up their Mother's Day to march, is that this Senate, this Congress, should get down to the business of passing laws to make America safer.

It also said this sense-of-the-Senate resolution is similar to talking about the weather: It really doesn't do anything. It is funny it would take 5 hours for the Republican leadership to respond to it if it really doesn't do anything. What it does is put the Senators in this Chamber on record: Do you commend the Million Mom March? Do you want this legislation to come out of committee immediately? If so, vote ''yes''; if you share the opposing position, vote ''no.'' At least Members are on the record.

Senator REED of Rhode Island offered a similar question in a sense-of-the-Senate resolution a few weeks ago, and 53 Senators—more than a majority—said: Let's vote for it. Bring the bill out, and let's get on with it. It still sits in committee because the Republican leadership is blocking the effort to pass gun safety legislation.

The Senator from Idaho stands on the floor and reminds mothers across America that there are many things injuring children: Automobile crashes, trauma, poisoning—the list goes on and on. The Senator from Idaho is certainly right. I don't know that the mothers of America needed to be reminded of that. They understood that when they came to The Mall. They asked us to do something about guns and the fact that every day in America—today, tomorrow, and the day after—12 children will die because of guns. Kids are dying because of gangbangers, accidents with guns, suicides—12 kids every single day in America. We have become so used to this, it doesn't make the headlines anymore. There is not another nation on Earth with these grizzly statistics when it comes to guns. It is right here. It is America, the country of which we are so proud.

Mothers march to remind Congress we can do more and we can do better to make this world safer for their children. They are right. For the Senator from Idaho to say to the mothers across America, you know, a lot of kids get hurt in automobile accidents, it is a truism; there is no doubt about it.

I remind the Senator from Idaho, there is ample legislation, Federal and State, establishing the safety of cars we drive, establishing requirements to wear seatbelts and airbags in the cars, use of a child safety seat and restraints, legislation all over the country to make car travel more accommodating and safer for children, but there are no laws on the books, none whatever, in Washington, DC, concerning the safety of guns.

Make a toy gun to sell at Christmas and we have an agency that looks over your shoulder to say that may not be safe for kids. But make a real gun, the kind used in sport, hunting, or self-defense, and there are no—underline ''no''—Federal safety standards.

When it comes to kids and cars, we write all kinds of laws about safety. When it comes to guns, the gun lobby says: Hands off; it is our constitutional right to produce any type of weapon we want.

He talked about kids who suffocate on mattress covers and plastic bags. There are warnings printed. There is a Consumer Product Safety Commission watching these products in commerce, trying to keep them safe for families, but no such standards when it comes to guns in America.

I think the amendment of the Senator from Idaho falls apart. If he wants safety for children from all the hazards, I agree with him completely. And we have passed laws to establish those standards of safety in every single area but one—the firearm industry. They can make any kind of gun they want, and they are not subject to any kind of control or supervision by the Federal Government to sell it. They can sell it without a child safety device such as a trigger lock. They can put it on the market. Look at what happens. Twelve kids in America every single day. Twelve mothers receive a phone call, a knock on the door, and are told their child has just been shot, maybe killed, by a gun.

That is why the mothers marched in Chicago. That is why they marched in Washington and in Los Angeles and across the Nation. That is why we are on the floor of the Senate today. We don't believe that march was in vain. We believe that is the best illustration of democracy in America, when people from ordinary lives come forward and say: We are giving up a special day each year for mothers to let you know how important it is that we have safety in our schools and safety in our neighborhoods. We expect the Congress, the Senate, to listen. To listen—that is what a democracy is all about. The voters, the people, speak and we listen.

Frankly, for almost a year now, this Congress has not listened. After the Columbine High School situation in Littleton, CO—12 kids were killed and a score or more were injured—America was horrified that this could happen in a ''good neighborhood,'' a ''good school.'' It happens all over America.

I live in Springfield, IL. We are not safe from this. There is not a town, there is not a neighborhood, there is not a community in America that is safe from gun violence. We are a nation of 200 million guns. If you have a careless gun owner who asserts his constitutional right to own a gun but refuses to accept his moral responsibility to store it safely, you know what is going to happen. Kids are going to find it. Kids are going to play with it. They may hurt themselves or an unsuspecting playmate. They may take that gun to school, as they did in Jonesboro, AR—an 11-year-old and a 15-year-old with an arsenal of weapons from the grandfather and all the ammunition, sitting in the woods, pulling the fire alarm and watching the kids come out into the playground and firing away at the kids and their teachers.

Should we do something about that? Should we require safety locks? That is part of the legislation that is bottled up in committee. That is part of the legislation Republicans will not bring to the floor.

In Littleton, CO, the guns that were used to kill the students were purchased at gun shows without background checks. Don't we want to know if the purchaser is a criminal, has a history of violent mental illness, or is a child? I would think we would want to know that. We want to keep guns out of the hands of those who would misuse them, but the National Rifle Association says: No, it is too much of an inconvenience to have a background check at a gun show. These folks need their weapons; they need them in a hurry; and they have to get out in the street.

Excuse me but walk through the airports, go through the metal detectors, subject yourself to the inconvenience, if you will, because we want safety on airplanes. If you go to a gun show, you should accept the burden and the inconvenience of a background check because we know if we do not make that background check, guns will get in the wrong hands. In the wrong hands it leads to crime and killing, pain, and suffering for mothers and fathers across America.

It is hard to understand the position of the National Rifle Association. This organization of some 3 million people has made a mockery of democracy. When the overwhelming majority of Americans want sensible gun safety laws, when sportsmen and hunters will accept the inconvenience of a background check and say that is part of it, we understand it—and this organization stands in the way of sensible gun safety legislation time and time and time again—it is disgraceful. That is why we are on the floor of the Senate. We want Democrats and Republicans to go on the record to commend the Million Mom March and to stand up for gun safety legislation.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Idaho.

Mr. CRAIG. Mr. President, somehow today, if you do not believe what I believe, you are not caring nor are you compassionate. Let me suggest to anyone listening, and certainly to all Senators, no one on this side of the aisle—and I know no one on that side of the aisle—is saying that. We listen, too. Many even participated in the Million Mom March in this Nation's Capital last Saturday. I cannot tell you we felt their pain, but we heard it spoken because unless you have experienced the kind of loss that some of those mothers experienced, I doubt that you can feel it. But you can empathize with it, and all of us do.

Is that why we are bound up on the floor with this issue today? No, it is not. We have been on this floor before, for the last year, on the issue of guns, long before the Million Mom March. The reason we have been on the floor is because what some have wanted to do, the rest of the Congress has not wanted to do—largely because the American people are tremendously frustrated at this moment about violence and about laws and laws not enforced and laws that are enforced and the lack of safety or the sense of security and the obvious real violence that goes on in America today.

No, those moms, at least many of them, were sincere. Others, I am quite confident, had a political agenda. There were second amendment moms who were there. They had a political agenda. They are also sincere because they really do believe that passing gun laws does not a safer world make. It does not take the criminal who perpetrates the vast majority of the crimes off the street—who, by the way, very seldom walks into a gun shop and buys a gun but of course acquires his or her gun off the street in an illegal fashion.

''We want commonsense gun laws,'' is what we have heard. Yet the underlying mantra of the Million Mom March is not commonsense gun laws; it is registration and licensing. Even some of the most liberal, who believe in gun control, openly admit you cannot get there. You cannot pass licensing and registration because the Congress will not pass it and the public would not accept it, largely because it just would not work.

Cars are licensed? Yes, cars are licensed, but you don't have to have a license to own a car. You don't have to have a license to drive a car if you drive it on your private property. A car is not a right in this country, guaranteed by the Constitution. You have to have a license to drive a car if you drive on public roads. Licenses for cars did not start for safety arguments; they started as a way to tax an owner of a vehicle to gain revenue for vehicular purposes in States.

So there is that quick jump to logic: You have to have a license to own a car. Wrong. You do not need a license to own a car. It is not a right; it is a privilege. There is a very real difference.

It is important that a few of us cut through the fog of the emotion and the rhetoric here. I do believe there are constitutional rights in this country. I think we ought to be terribly careful about how we infringe upon them. That is part of the debate we are involved in today, and that is the most important part as far as I am concerned.

One of the other issues I think is most important is the question of ownership—250 million guns in this country and somehow we ought to take them all down or take a lot of them down, or register or license to deal with them.

I do not find this humorous, but I find it practical. Holland is a nation in Europe—we all know about it: dikes and tulips, a beautiful country, wonderful people. Guns are outlawed in Holland. It is against the law to own a gun, except under unique circumstances. Guns are outlawed in Holland. Now the Dutch authorities are trying to come to grips with a rash of stabbings in Amsterdam. Last year they began a ''turn in your knife'' campaign, to try to stop the violence in Amsterdam, ravaged upon fellow citizens of Holland by knives. In other words, violence is the issue, not guns, not knives. Now they are thinking in Holland about a ''buy up the knife'' campaign, something like we have done in this country, or even suggesting they prohibit knives in Holland. Politicians ought to pass a law, some are suggesting.

Is it a reflection of the weapon or is it a reflection of a human problem that is called violence? I think it is the violence issue we are here about today. I know the Senator from California wants to deal with that issue. So do I. But I do not think we all understand how to deal with violence. I believe most of the moms who marched on

Sunday were expressing their frustration about the violence that their children experience.

I yield to the Senator from Idaho such time as he may consume.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I appreciate the opportunity to have a few moments to discuss with the American people this critical issue. The question of violence in our society is, as the Senator from Idaho, my colleague, has just stated, one we all want to address. The differences we have in this Chamber as we debate are not over whether we want to address the difficult problems of violence in our society; they are over how we believe it must best be done. The reason I wanted to stand and talk today is because I am convinced if we continue to focus our efforts on increased gun control and more strict gun control, not only will we impose burdens on law-abiding Americans that are unjustified, but we will fail to give the attention that is necessary to the true causes of the violence that we have to be addressing. I want to address my remarks in two contexts—one, what should we be focusing on and, two, why is it I believe gun control is not the answer.

I will talk about that second question first: Why is it that increased gun control is not the answer? Right here in Washington, DC, we have the best example of why we should not be looking to this as the best solution. In the past few months, there have been a lot of statements about a terrible incident of violence that took place at the National Zoo. I share my colleagues' concern about these high-profile acts of violence, but this example shows why it is that our focus on gun control is misdirected. The answer is not to enact more gun control laws but to address the root causes of violence.

The April 24 shooting at the National Zoo should shock any law-abiding American. At the same time, it dramatically demonstrates that even the more restrictive gun control laws in the Nation have little impact on the actions of violent criminals. In Washington, DC, it is illegal to possess the kind of handgun that was used in the violence at the National Zoo. It is not just illegal to carry them but one cannot even have one in one's home. Washington, DC, has the most restrictive gun control laws in the Nation, far more restrictive than the gun control laws being debated today.

Yet it is in Washington, DC, that this shooting took place—Washington, DC, which some have called the murder capital of the world, where gun violence runs rampant, from where many of the examples of gun violence come.

Yet it is Washington, DC, that has tried to solve these problems through restrictive gun control measures that we seem to debate endlessly on this floor.

Why is that the case? Some will argue the reason we do not have the solution in Washington, DC, is that we do not have restrictive gun laws everywhere and that the person who used this gun in Washington, DC, at the zoo could have gotten that gun elsewhere in the country and then brought it into Washington, DC.

The fact is, that is not what happened. This was a stolen gun that was used in Washington, DC, for this crime, and the reason is, one cannot just bring a gun into Washington, DC, under the law. For the last 32 years, under Federal law that applies to all States, one cannot buy a gun if one is a Washington, DC, resident and bring it into the District. Interstate sales of handguns have been prohibited for 32 years.

What would happen if a D.C. resident were to go to Maryland or Virginia seeking to buy a gun to bring into the District? What would happen is the gun dealer would say: I can't sell you this gun; I have to send this gun to a dealer in your State or in the District and have them deliver it to you there, and since it is illegal to do that in Washington, DC, I can't sell you this gun.

A person in Washington, DC, who wants to get a gun to use in an act of violence is, therefore, going to have to break the law, which is the point. Criminals do not obey the laws. Those who are going to use the gun in a crime do not obey these laws. They steal firearms, or they get them on the black market, or they do so illegally. That is exactly why in Washington, DC, those who carry guns do so illegally and know that the law-abiding citizens do not carry guns.

The shocking truth is that those who are involved in gun violence are going to get their guns illegally, whether they have gun control measures in place or not, and Washington, DC—right where we are conducting this debate—gives us the best example of why it is that further efforts to restrict citizens' access to guns are not going to stop the violence.

What is going to stop the violence? I had an experience, it has been 6 or 8 months ago, watching one of the talk shows on TV that helped me to understand and increased my understanding of what we need to do. We often talk about needing to address the root causes of violence rather than continuing to restrict the right to bear arms. What do we mean when we say that?

Obviously, we talk about trying to reduce the violence our children are exposed to in the media, whether it be TV, video games, and so forth, and that is valid. We also talk about needing to have programs of education so that our young people who do have access to guns to hunt or for target shooting learn to do so in a safe way.

We also talk a lot on the floor about needing to enforce the laws strictly so that those who voluntarily choose to use guns in acts of violence are punished. If you do the crime, you should do the time. That is another aspect of what we need to do to address violence in our society.

When I was watching this talk show, one of the experts who was talking on the issue raised another approach which I think is something on which we need to focus. This particular gentleman who is an expert in this area said: I personally support gun control—his position—I support more gun control, and I support reducing violence in movies, in TV games, in video games, and in the music our children listen to.

He said those things are not going to solve the problem; that we actually have the ability today to identify the large majority of our young people who are troubled and who are the most high-risk young people to engage in a crime of violence. We ought to focus our efforts as a society on identifying these young people who are in troubled circumstances and intervening in their lives at an earlier stage so we can have a positive influence in their lives and steer them back on to a better course for their lives and for the lives of others whom they will touch.

That struck me. Instead of spending the time and the resources trying to figure out a way to stop people, even law-abiding people, from owning a firearm, what we ought to be doing is spending our time focusing on intervening in the lives of those who are troubled and who face these difficult circumstances and making a positive change in their lives. It is these kinds of efforts that will make a true difference.

Again, we will have large differences among ourselves as we continue this debate, but let's let no one in America misunderstand that we all seek the same objectives. We simply have a very different opinion on how to get there. I believe if we as a nation satisfy ourselves with passing some more restrictive gun control measures, pat ourselves on the back and say we have done our job for violence in America, we will be forgetting the real solutions. We will be diverting attention away from those things we have to do as a society to address the root problems of crime and the true root problems of violence.

I thank the Chair. I yield back the remainder of my time.

Mrs. MURRAY. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Washington has 17 minutes, and the Senator from Idaho has 15 minutes.

Mrs. MURRAY. I thank the Chair.

I yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Mr. LEVIN. I thank the Senator from Washington for her leadership in this effort.

Last weekend, hundreds of thousands of mothers and others were in Washington, DC, for the Million Mom March, marching for sensible gun laws and safe kids. From my State of Michigan, thousands of moms came with

their children, with their husbands, and with their parents to demonstrate for sensible gun safety legislation.

Those moms are distraught. They have lost children in school shootings and in drive-by shootings. They have lost their kids in accidental shootings and in murders in their homes and in the streets. They are afraid to send their kids to school or to play at another child's house. There are teachers who are afraid to go to work. They all marched last weekend to put an end to that fear. My wife Barbara and I marched along with them.

Every day, 12 of our children, on average, are killed from gunfire in America. Mothers are disheartened both by the children lost and by the unwillingness of Congress to do anything about gun safety legislation.

Of the hundreds of mothers I met this weekend, not one of them said let's do away with guns in this country, and yet that is how NRA leaders label the actions of the million moms. In reality, Michigan mothers and mothers around the country are simply calling for sensible gun safety.

The moms I met do not want to endure what a Michigan mother, Veronica McQueen, endured. Her 6-year-old daughter, Kayla Rolland, was shot by another 6-year-old at an elementary school not too far from Flint. On Sunday, she told her audience:

> Part of my heart went with her. It is so hard for me to think that I will never see her smile, laugh, or play again; I can never hold her or kiss her again, or see her grow up, get married, and have a happy life.

The mothers who marched on Sunday know that in order to reduce the level of gun violence in this country, we must do many things.

One of the things we must do is to pass stricter laws to keep guns out of the hands of those who should not have guns—children who should not have guns, criminals who should not have guns. The way to do this, in the first instance, is to pass the juvenile justice bill with the Senate gun amendments.

About a year ago this week, the Senate passed an amendment which closed the gun show loophole by applying the Brady background checks to guns sold at gun shows. The gun show loophole allows criminals and other prohibited persons to buy guns at a gun show from a private person that they could not buy from a licensed dealer.

It is a loophole which has been exploited frequently by those who deliberately do not want to undergo background checks, including the Columbine gunmen, Eric Harris and Dylan Klebold.

On April 20, 1999, Harris and Klebold opened fire on their classmates with four semiautomatic assault guns. Of those weapons, three were purchased by their friend, Robyn Anderson, at a gun show. Mr. President, 18-year-old Robyn Anderson bought her younger friends three weapons. Because she bought them at a gun show, she did not need to go through a background check.

Later she testified about this. I would think, of the various testimonies that come out of Columbine, this is some of the most memorable. This is what she said. This is the 18-year-old who bought the guns for the two killers. She said:

> Eric Harris and Dylan Klebold had gone to the Tanner gun show on Saturday and they took me back with them on Sunday . . . While we were walking around, Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.

Robyn continues:

> I was not asked any questions at all. There was no background check. . . . Dylan got a shotgun. Eric got a shotgun and a black rifle that he bought clips for. He was able to buy clips and ammunition without me having to show any I.D. The sellers didn't write down any information.

And here is her bottom line:

> I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit any kind of check at all. I think it was clear to the sellers that the guns were for Eric and Dylan. They were the ones asking all the questions and handling all the guns.

She concluded:

> I wish a law requiring background checks had been in effect at the time. I don't know if Eric and Dylan would have been able to get guns from another source, but I would not have helped them. It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

So the Columbine gunmen knew about the gun show loophole. They took full advantage of it. The result: 15 dead. Congress has a chance to close the loophole with the gun show amendment. But that amendment is part of a juvenile justice bill which is tied up because the Republican leadership in the House and the Senate will not allow a conference to meet. It is at that conference where Members are supposed to reconcile differences between the two bills.

The Brady law is not intrusive to law-abiding Americans. Mr. President, 72 percent of the checks are completed in 3 minutes, and 95 percent are cleared within 2 hours. The 5 percent of people whose background checks take more than 24 hours to complete are 20 times more likely to have a criminal record or otherwise be prohibited from buying firearms. It is just simply not unreasonable to extend the Brady background check to guns that are bought at gun shows.

Congress must act. The moms, the dads, the grandparents, the families want us to act. We must vote yes on the pending sense-of-the-Senate legislation that Senator DASCHLE and others have offered in order to clearly state to the American public that there are some of us here, yes, in the majority in the Senate—since the majority passed these amendments—the majority of us want to act. With their help—the million moms, and millions more like them—we will hopefully be able to move this legislation this year, reduce the number of killings, and save more families from the tragedies which have been too often witnessed in this country.

I thank the Chair and yield the floor.

Mr. BYRD. Mr. President, I support the amendment offered by Senator DASCHLE to S. 2521. I have come to the floor of the Senate several times to speak about failure of the Juvenile Justice conference to come to an agreement. Our nation is yearning for leadership. I vote for this amendment to once again urge the conferees to move ahead on the Juvenile Justice bill. Craft a common sense bill that will help to break this cycle of youth violence. Show the nation that the Congress can see what is happening outside of the Capitol Building, and that we are capable of working in partnership with all Americans to bring some calm to our classrooms.

This legislation does not create dramatic infringements on the right of an informed and responsible citizenry to keep and bear arms. It simply would put in place some common sense provisions to balance public safety and private gun owners' rights. Requiring trigger locks would not jeopardize anyone's Second Amendment rights to own a gun, but trigger locks might prevent children from turning guns on other children. And improving background checks is not a monumental change, either. These additional checks would only serve to prevent those people who should not have access to weapons from getting them. I believe that responsible parents and gun owners would be able to support these common sense provisions.

I also support the amendment offered by Senator LOTT to S. 2521. I agree that the government can and should do more to enforce the existing laws concerning firearms. I do not believe that we must choose between enacting common sense measures to protect public safety and protecting the rights of gun owners—we can do both. Nor do I believe that we must choose between enacting additional protections for public safety and enforcement of current gun laws. I hope that the conferees working on the Juvenile Justice bill will come to an agreement on legislation that will enhance enforcement of the laws we currently have on the books to keep guns out of the wrong hands. Further delay only increases the chance that another child may die from gun violence before the Congress acts.

Ms. MIKULSKI. Mr. President, last Sunday, I joined hundreds of thousands of Americans in marching in support of common-sense gun safety laws. Today we're trying to show that these marchers made a difference. We can either listen to the mothers and fathers who marched with their feet—or we can listen to the gun lobby—who march with their dollars.

The Daschle amendment says that we're listening to the Million Mom

marchers. It merely calls on the Congress to do it's job—to convene the Juvenile Justice Conference and pass common-sense gun safety laws.

Since I've been in Congress I have fought for gun control and gun safety. We passed the Brady bill—which requires a 5-day waiting period so there can be background checks of gun purchasers. This law has stopped 242,000 felons from buying guns. We fought to ban certain types of semi-automatic assault weapons and cop killer bullets.

For ten months, our gun safety proposals have been in legislative limbo. The Senate passed the Juvenile Justice Bill in July 1999. Since then, the Republican leadership has refused to let us move the bill forward.

During this time, we've seen 3,600 children die from gun violence. We've seen twelve children die every day from gunfire. In Maryland, we've mourned the death of over 100 children a year. In Maryland we saw a crazed man steal five guns—and murder four people—before holding a family and a community hostage.

The Juvenile Justice bill includes common-sense gun safety provisions. It would close the gun show loophole—by requiring background checks for all guns bought at gun shows. It would require gun safety locks to be sold with new guns. It would close the loophole in the law that permits the importation and possession of high-capacity ammunition clips. It would keep guns out of the hands of serious juvenile offenders by banning gun sales to juveniles with violent crime records. Finally, it would ban juvenile possession of semi-automatic assault weapons and high-capacity ammunition clips.

The State of Maryland is the national leader in gun safety. I commend Governor Glendenning and the Maryland General Assembly for passing path-breaking gun safety legislation. The new Maryland law will require built-in child safety locks on new hand guns; ballistics testing for new guns—to help law enforcement and safety training for new gun purchasers. This legislation is the first of its kind in the Nation. It will save lives. The United States Congress should follow Maryland's lead—and enact common-sense gun safety legislation.

Mr. President: I was so proud to join thousands of Marylanders in the Million Mom March. Let's show that the march mattered. Let's make democracy work—and pass the Daschle amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, when the Senator from Michigan speaks I always listen because we work very closely together on issues that deal with kids. Most of the time, we agree. All of the time that we work together, we are very sincere.

I do not question the sincerity of the Senator from Michigan in the statement he made. I am not surprised he was on the Mall last Sunday. He is somebody who feels very deeply about the issues in which he becomes involved.

We have worked very closely on issues dealing with young people, such as in making sure that we could streamline adoptions so young people without loving families could find those families and become a member of those families. So I listen very closely when that Senator speaks.

I also listened to those at the Million Mom March over the weekend. I went to their web site. I looked at their issues. I studied their premise. I do not question their sincerity, but some of their issues do not fit common sense and will not work in America.

Here is their No. 1 issue shown on this chart, No. 1 on their web page: ''License Handgun Owners and Register All Handguns.'' It also happens to be the No. 1 gun issue in a certain Presidential candidate's portfolio this year. Coincidence? Maybe not.

But the reality of licensing gun owners and registering firearms is something that almost all Americans have viewed as an anathema for a long while. Why? Because they really do believe that a gun, once acquired as private property, is no business of the Government that they should know about.

I supported background checks. In fact, I am probably one of the few Senators who insisted that the ATF come to the Hill years ago and work on the aggressive implementation of instant background checks. I wanted that to happen. It is now happening today. I brought appropriations bills to the floor to fund ATF to make it happen. There was great resistance downtown. They just did not want to make it work. I am not sure why.

We can instant anything today in our computers. We can instant our credit. We can instant any idea we want, in rapid response, through the tremendous telecommunications ability of our country. But somehow we just could not get this online. And the reason we could not, there was a bias. The bias was waiting periods, resistance to the acquisition of firearms.

Today we have an instant check. By the way, as we know, last weekend it malfunctioned; it went down. Gun shops, that are law-abiding gun shops, that are federally licensed gun shops, had to quit dealing for a time, quit selling, because they could not do instant background checks.

We are not opposed to background checks. We are not opposed to background checks at gun shows. Sorry to dispel the myth. What we are opposed to is unnecessary regulation, recordkeeping, the kind of thing that would create an ability of the Government to follow back and check on what most of our private citizens and 65 million law-abiding gun owners feel is a constitutional right and none of their Government's business.

The folks in Australia, Bermuda, Cuba, Germany, Great Britain, Greece, Ireland, Jamaica, and Soviet Georgia were worried about gun licensing and registration, because they were fearful it would result in gun confiscation. They were right. It did. Citizens in those countries today don't own firearms. They were confiscated by their government once their government could find where they were. Is it wrong for American citizens to be concerned? I think not.

There are, certainly, issues that those moms were marching on about which all of us are concerned: safety locks on handguns, yes, that manufacturers are producing. Should the Federal Government require them? I don't believe it should, but I would certainly have them on my handguns if I owned handguns.

If I were a single person living in a dangerous neighborhood and I bought that handgun for self-protection, I might not want a safety lock on that gun in the dark of night when my door is being crashed in by an intruder. I wouldn't want to fumble in the darkness to take the safety lock off. I would want the instant protection that the gun I acquired offered me in my right of self-protection. But because I didn't have the lock on, by what some are arguing on the other side, I would be in violation of a Federal law. Instinctively, none of us want that. None of us want to voluntarily feel we force ourselves to be in violation of a law in defense of our person and in defense of our property.

Those are some of the kinds of practical nuances that argue not against common sense but against some of what is being tried here today.

So if it doesn't work, politicize it. If you can't get your way around here, politicize it. Some got their way in the Senate a year ago. They passed the Lautenberg provisions in the juvenile justice bill. I didn't support them. I thought they had gone too far. I think the gun community of America thought they had gone too far, the law-abiding gun community of America. Criminals didn't care. They recognized what some of my colleagues in the Senate don't recognize, that by definition, they don't play by the rules so they don't care what we do. They break laws. That is why they are called criminals. But somehow we write these laws and everybody will march in step with what their Government demands. Law-abiding citizens will do so.

Anyway, we passed the Lautenberg law. The House rejected it. Somehow our colleagues on the other side can't accept that fact and won't accept it. So here we are today, holding up a very important piece of appropriations legislation, all for the sake of making a nonbinding political point. Well, it is a political body. They certainly have that right. But it is nongermane, and it doesn't fit. We ought to do something that does fit.

Most importantly, we ought not perpetrate a hoax on the millions of mothers who expressed their frustration

over violent acts in this society last Sunday. I think most were sincere. I think some were very high-level organizers of certain political interests. I think their web page demonstrates that.

That is really not the issue. The issue is, can we pass laws that work and can we pass laws that are enforceable and that the American public will accept? That is the crux of this debate. That is the point of the politics.

I retain the remainder of my time.

Mr. WARNER. Mr. President, I rise today to indicate my reasons for not supporting the Daschle amendment, amendment number 3148 to S. 2521, the military construction appropriations bill.

The Daschle amendment is a sense-of-the-Senate amendment. After starting a number of findings, the amendment states that it is the sense of the Senate that ''Congress should immediately pass a conference report to accompany'' the juvenile justice bill that includes the Senate passed gun-related provisions.

During the Senate's debate of the juvenile justice bill in May of 1999, I supported the Lautenburg amendment, and other amendments to close the gun show loophole in the Brady act. I also supported an amendment to require licensed firearms dealers to provide a secure gun storage or safety device when a handgun is sold, delivered or transferred. Unfortunately, the juvenile justice bill has been locked in a House and Senate conference committee.

Let me be clear, I remain firm in my stance on these issues. I certainly hope that House and Senate conferees can reach an agreement in conference on the juvenile justice bill. And, I will continue to support the common-sense gun provisions that passed the Senate during the juvenile justice debate. I believe the Senate passed gun-related amendments to the juvenile justice bill will help keep guns out of the hands of convicted felons and increase public safety without infringing on the rights of law-abiding citizens.

Despite the fact that I agree with the statement in the Daschle amendment that Congress should immediately pass a conference report on the juvenile justice bill that includes the Senate passed gun-related amendments, I do not support the Daschle amendment. The Daschle amendment is not a legislative amendment and is simply a procedural maneuver. The Daschle amendment has no force in law and no relationship to the underlying purposes of the military construction appropriation bill.

As chairman of the Senate Armed Services Committee, I have a responsibility to secure passage of the important military construction appropriations bill. This bill provides critically needed funding for military construction projects, improves the quality of life for the men and women who are serving our country in the armed forces, and sustains the readiness of our armed forces. These areas are traditionally underfunded, and this bill provides the necessary funds to help make up for this shortfall.

The Daschle amendment is an unrelated sense-of-the-Senate amendment to the military construction appropriation bill. Sense-of-the-Senate resolutions have no force in federal law. Voting for this amendment places vitally needed funding for our Armed Forces in peril by jeopardizing passage of the overall bill.

Again, I continue to support the commonsense gun related provisions that passed the Senate as part of the juvenile justice bill. When these matters come before the United States Senate in a substantive, rather than a procedural capacity, and on a related piece of legislation, I look forward to voting for them once again.

Mrs. FEINSTEIN. Mr. President, earlier today, Senator CRAIG spoke on the floor about licensing and registration. I just wanted to correct one statement he made.

Senator CRAIG said that ''The reality of licensing gun owners and registering firearms is something that almost all Americans have viewed as an anathema for a long while. Why? Because they really do believe that a gun once acquired is private property and it is no business of the government that they should know about it.''

Of course guns are private property, but the facts do not support the contention that the American people view licensing and registration as an ''anathema.''

According to a Wall Street Journal/NBC News poll last year, 90 percent of Democrats and 70 percent of Republicans support mandatory registration of any type of gun or firearm.

A May report by the National Opinion Research Center at the University of Chicago shows similar findings, with 70 percent favoring gun-owner licensing and training in use of their guns.

A USA Today/CNN/Gallup Poll taken at the end of April shows seventy-six percent of those surveyed favored registrations of all handguns. And 69 percent favored the federal government requiring all handgun owners to obtain a special license.

In fact, a recent Princeton Survey Research Association Poll indicated that even 66 percent of gun owners support the registration of all handguns.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 9 minutes, and the Senator from Idaho has 8 minutes.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank Senator MURRAY, and I thank the Chair.

It has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Let me repeat that. It has been more than a year since the Columbine tragedy and this Republican Congress refuses to do anything as it relates to sensible gun legislation. That is why Leader DASCHLE offered his amendment.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who died in the past year, and we will continue to do so every day that the Senate is in session. We will read those who died of gunshots. In the name of those who died, we will continue this fight.

The following are the names of some of the people who were killed by gunfire 1 year ago today. These names come from the Conference of Mayors: James Allen, 27, Houston, TX; Ladrid Austin, 21, Chicago, IL; Jeremiah Buchanan, 22, Houston, TX; Karamoh Daramy, 23, Detroit, MI; Rufus Dinuwelle, 50, Charlotte, NC; Maurice Harris, 27, St. Louis, MO; Raul Martinez, 27, Chicago, IL; Marty Owens, 31, Chicago, IL; Andre Parker, 19, Chicago, IL; George Robinson, 39, Houston, TX; Robert Simms, 30, Washington, DC; Jon Vermillion, 32, Houston, TX.

Those are some of the names. We will be here every single day until there is action. The other side is going to say: Shame on you for interfering with the Senate's business.

I say to them: There can be no more important business than protecting our children, than protecting our citizens. We are losing them at alarming rates, more than any other civilized country. Indeed, all the other civilized countries combined don't have the deaths from gunshots that we have in this country—30,000 of our good people every year.

The other side says it is not about laws; it is about community and caring and family. Of course, they are right. But I say to them that those young kids who were cut down before their prime in Columbine came from good families. They prayed to God. They got down on their knees and prayed, and they were shot.

To be scolded on the floor of the Senate for defending our children is something that will not stand. I am glad the good Senator put up the chart from the Million Mom March because when I look at that, I think to myself, there is hope.

The Senator implies that we have before us an agenda on licensing of guns. We do not have that. That is not in Senator Daschle's amendment. He is calling for the release of the five gun amendments we already voted on, simple, straightforward: trigger locks, no high-capacity clips, a study of the gun manufacturers' techniques as they sell to children, raising the age where a person can buy an assault weapon from 18 to 21. Those are simple and straightforward.

Closing the gun show loophole is another. The woman who got the guns for the deranged children who murdered those kids said if she had to go through a background check, she never, never would have, in fact, bought those guns.

So please don't chastise us. It was the other side that stalled for 5 solid hours yesterday and didn't let us have our debate. We would have been done with this debate.

I have to say, when we look at these numbers, 12 kids a day, 30,000 people a year, it is almost too much to comprehend the pain and suffering that goes along with it. Eight times as many as those people are wounded, sitting in wheelchairs for the rest of their lives, some of them vegetables for the rest of their lives. We don't even begin to touch it when we talk about only the deaths. It is the physical pain and agony of those who survive with wounds, and we have seen in Columbine children committing suicide because they can't handle the trauma. What is the answer of the other side? We don't need laws. Why don't they think about licensing?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mrs. MURRAY. I yield the Senator 30 additional seconds.

Mrs. BOXER. You need a license to give a haircut to somebody.

Does anyone say that the Government is going to come and take the scissors? Come on. Don't be afraid of this lobby. Stand up and be counted. Join the million moms. They are Democrats; they are Republicans; they are from families; they are grandmas and grandpas. That is who showed up. I had the joy of marching with them. Let's vote for the Daschle amendment.

The PRESIDING OFFICER (Mr. ALLARD). Who yields time?

If neither side yields time, the time will be charged equally to both sides.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 2 minutes; the Senator from Idaho has 7.

Mrs. MURRAY. Mr. President, I ask whether the Senator from Idaho would be willing to allow us to use some of his time. We don't want to vote until 1:30. If I may, I will yield Senator HARKIN 5 minutes.

Mr. CRAIG. I will retain 5 minutes of my time. I will yield a couple of those minutes, but we will need the rest for closing purposes.

Mrs. MURRAY. How much time would that give me for the remaining time on our side?

The PRESIDING OFFICER. Three and one-half minutes.

Mrs. MURRAY. I yield our remaining time to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 3½ minutes.

Mr. HARKIN. Mr. President, first of all, I take a back seat to no one in being a legitimate hunter. I hunt every year. I have hunted since I have been a kid. I will take on anyone over there in trap shooting. That is not what this is about. It is not about law-abiding people who like to hunt and own guns to hunt with, or somebody who needs one for self-protection in their home. That is not what this is about.

That's why I have to take issue with those who are always misinterpreting the Constitution of the United States—misinterpreting it. When you look at the Lott amendment before us, the first thing he says is the second amendment to the U.S. Constitution protects the right of each law-abiding U.S. citizen to own a firearm for any legitimate purpose, including self-defense or recreation.

Please tell me where in the second amendment and the Constitution it says that. You can go out to the NRA building, and on the side it says, '''The right of the people to keep and bear arms shall not be infringed,' the second amendment to the Constitution.'' Anybody can take anything out of context, Mr. President. You can prove there is no God by reading the Bible. All I ask you is to open the Bible to Psalms 14:1. Guess what it says; ''. . .there is no God.'' I ask my friend from Idaho if he has ever read Psalms 14:1. It says there is no God, in the Bible. But what does it say right before that? ''The fool said in his heart there is no God.''

What relation does that have to the second amendment to the Constitution? Everybody has this book in their desk. It is not that big a deal to read this. It says:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

So what do they do? They take it out of context. I suppose somebody could take the Bible out of context, too. You have to put it into contextual framework. The framers of the Constitution knew they didn't want a standing army. They wanted a militia, like the National Guard, for people in their homes to keep arms for protection. Read your history books. These people out here who want to reinterpret the Constitution for their own ends are doing our people a great disservice.

Now, take another look at the Lott amendment. The Lott amendment has a finding in the end. Here is the sense of the Senate that—get this:

> The right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation, should not be infringed.

The right of each law-abiding United States citizen. It doesn't have an age limit. Does that mean a kid 13 years old can have an Uzi for recreational purposes? It doesn't say that there. There is no age limit on it. It could be a 5-year-old kid or a 10-year-old kid. I will say one other thing. ''For any legitimate purpose,'' it says. Does that mean—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. I ask for 30 seconds.

Mrs. MURRAY. Mr. President, I ask unanimous consent for 2 additional minutes for the Senator from Iowa to finish his statement.

Mr. HATCH. Mr. President, I will not object if that is given to our side as well.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Is my request also granted?

The PRESIDING OFFICER. That would be part of the request. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. I thank the Senator. Read the language of the Lott amendment. ''The right of each law-abiding United States citizen.'' No age limit; 10-year-old kids or 14-year-old kids can own any amount of guns they want.

''For any legitimate purpose, including recreation.'' Does that mean if I want to own 50 Uzis, the Government can't have anything to say about it? Maybe that is my recreation and I want to blow down a lot of things in my backyard. This doesn't make any sense. The sense-of-the-Senate resolution makes no sense. It misinterprets the Constitution.

Secondly, it opens the door wider than we have ever seen it before. Keep in mind, when you vote on the Lott substitute, what you are saying is that anyone in the United States who is a citizen—no age limit—can own any amount of guns that person wants. There are no restrictions. Is that what we want in this country? If so, have the guts to stand up and say so. Stand up and say that you want 10-year-old kids owning Uzis and machine guns. Go ahead and say it if that is what you want because that is what the language of the Lott amendment says.

All you have to do is read the language of what is in front of us. Look at this chart. This says what we ought to do is ''start them young; there is no time like the present'' for a little kid like that on this chart. This is an ad. Under the Lott amendment, that kid could be carrying 10 Uzis. Keep that in mind when you vote for it.

Mr. President, I do support Senator DASCHLE's resolution. We had one million mothers, their families and friends on Mother's Day demanding their elected lawmakers take final action on the Juvenile Justice bill and the gun measures that bill included. For ten months since we first passed the bill—despite numerous gun tragedies at schools, workplaces and even places of worship all across America—the Republican leadership has refused to move forward on these common sense provisions.

What is almost as senseless as these tragedies is the fact that Congress refuses to act on this legislation that would prevent many of these shootings.

What are the so-called controversial measures we're talking about? Measures—ironically—that would not affect law-abiding citizens who want to own a gun. Let me take a moment to list

them: Requiring gun manufacturers to provide child safety locks with their guns, giving the owners the option to install them. Closing the gun show loophole that allows sales at gun shows without background checks. Right now, 40 percent of all gun show sales go without a background check. Under this provision, all potential buyers at gun shows will use the Instant Check computer system—which normally takes a few minutes. For the small percentage of potential buyers—less than 5 percent—they may have to wait up to three days so records can be checked manually on the closest business day. And the bill would ban juvenile possession of semi-automatic weapons and high-capacity ammunition clips. These are reasonable measures.

But, I also believe we need to do a better job at enforcing current laws. I support the Administration's budget request for new funding to hire more ATF agents and prosecutors. I also support their request for research funding to develop ''smart-gun'' technology which could limit a gun's use to its owner and authorized users to help prevent accidental shootings.

Opponents of common sense gun safety laws set up a false choice between prevention and enforcement. Any successful policy will have to have both of these elements.

Mr. KERRY. Mr. President, I rise to lend my support to the Daschle sense of the Senate, which commends the organizers and marchers of the Million Mom March and urges the juvenile justice conference include the Senate-passed gun control measures in its report and to issue its report by the Memorial Day recess. I support the gun control measures that are contained in the juvenile justice bill that was debated and passed by the Senate last July and I sincerely hope that the conference will meet to finish their work on this critically important bill.

I am deeply troubled by the numbers of people—and particularly the number of children—that are wounded or killed by gunfire each year. And, Mr. President, I know that all of America understands that the impact of gun violence on children is staggering. Listen to some of these statistics, Mr. President: The National Center for Health Statistics found that in 1997 almost 12 children died every day from gunfire. The gun homicide rate for children under 15 is sixteen times higher in the U.S. than in 25 other industrialized nations combined. Between 1979 and 1997, gunfire killed nearly 80,000 children and teens in America—25,000 more than the total number of American soldiers killed in battle in Vietnam. Firearms wounded an additional 320,000 children during this same period. In a single year 4,205 children and teens were killed by gunfire. Those 4,205 deaths are equal to the number of passengers on eight jumbo jets, 90 school buses full of children, and more than an entire high school graduating class of a school the size of Columbine every school month. Nearly three times as many children under ten died from gunfire as the number of law enforcement officers killed in the line of duty. Children are twice as likely as adults to be victims of violent crime, and more likely to be killed by adults than by other children. Homicide is the third leading cause of death among children aged five to fourteen.

Mr. President, these statistics reveal why it is of such considerable consequence that we complete work on the juvenile justice bill. We cannot ignore the violent reality that so many of our children face. The Senate has debated and passed the a very good piece of legislation that seeks to reduce gun violence among our young people. All we are asking, Mr. President—all that we have been debating here today—is that the juvenile justice conference meet, that they finish their business and issue their report, and that the Congress vote on the conference report.

The juvenile justice bill is being made controversial, Mr. President, but it does not need to be. The Senate-passed juvenile justice bill would enhance efforts to keep guns out of the hands of criminals and children, by closing the gun show loophole which currently permits sales at gun shows without a background check; by prohibiting the sale or transfer by a licensed dealer of a handgun without a secure gun storage or safety device; by closing the loophole in the law that permits the importation of large-capacity ammunition clips; by keeping guns out of the hands of serious juvenile offenders by banning gun sales to juveniles with violent crime records; by expanding the Youth Crime Gun Interdiction Initiative to 250 cities by 2003 to enhance efforts to trace guns used in crimes and identify and arrest adults who sell guns to children; by requiring the FTC and the Attorney General to study the extent to which the gun industry markets and distributes its products to juveniles; by increasing penalties on ''straw purchases'' to curb the transfer of firearms to individuals who cannot purchase them legally—juveniles, felons, fugitives, and stalkers; and by banning juvenile possession of semi-automatic assault weapons and high-capacity ammunition clips.

Mr. President, I don't think it is necessary to get bogged down in a protracted, partisan debate over this legislation. The Senate must come together to address the horrible number casualties caused by gun violence in this country. The juvenile justice bill that we have debated and passed will make our communities, our schools, and our cities safer for this nation's young people. And, Mr. President, I think it is a critical first step to addressing the problem of gun violence that this legislation be moved through conference and voted on.

But Mr. President, I understand that common-sense gun control measures are not a silver bullet capable—by themselves—of solving this tragic problem. We must do much more, Mr. President, than just close the gun show loophole, we must also increase enforcement of existing gun laws at the federal, state, and local levels. We must increase our investment in and commitment to early learning programs. We must also improve and reform our public schools. We must ensure that our students have meaningful after-school programs to keep young people off the streets at the times in which juvenile crime rates are highest. We must enable communities to hire full-time, school based police officers under the Community Oriented Policing Services (COPS) program to prevent and respond to disorder and violence in our schools. We must allocate funding for school counselors to assist in identifying troubled students and providing them with the necessary resources and attention to address their problems. We must support partnerships between schools, families, and law enforcement to build relationships, establish anti-truancy programs and mentoring and conflict resolution programs in schools and communities. But if we are truly committed to ending the terrible trend of gun violence in this country, than we must also implement gun control measures. It is going to take much, much more to deal with this horrendous problem than passing the juvenile justice bill, but this legislation is critical to reducing gun violence.

Mr. President, I agree with my colleagues on both sides of the aisle that another very important component of reducing gun violence is improving the enforcement of existing gun laws. I believe we should provide additional funding for ATF agents to crack down on gun dealers who violate federal laws and expand the highly-successful Project Exile program nationwide. I do not view gun control measures and enforcement provisions as mutually exclusive. I do not believe that we must choose between more gun control legislation or tougher enforcement. This is a false choice. The American people want a comprehensive approach that includes common-sense gun legislation; tougher enforcement; and closing the loopholes that exist in current law.

Increased enforcement—at the federal, state, and local levels—is a critical component of a comprehensive approach to ending gun violence. We have improved our enforcement efforts over the last few years and I think we should step-up our efforts to improve enforcement. Department of Justice statistics show a 41 percent increase in the number of federal gun felons sentenced to more than five years in prison since 1993, and a 16 percent increase in the number of gun cases filed. The number of higher-level offenders—those sentenced to five or more years—has gone up nearly 30 percent in five years. Mr. President I'd like to call your attention to an article that appeared in USA Today on June 10, 1999. This article reported that ''Gun laws are enforced more vigorously today

than five years ago by nearly any measure. Prosecutions are more frequent than ever before; sentences are longer; and the number of inmates in federal prison is at a record level. The number of inmates in federal prison on firearm or arson charges (the two are lumped together) increased 51% from 1993 to 1998 . . . A U.S. Sentencing Commission analysis done for USA Today shows that lying on the background check form is prosecuted in federal court far more often than acknowledged.'' We are on the right track and I sincerely hope that the federal government continues to improve its enforcement record. As of April 1999, there were more than 100,000 federally licensed firearm dealers in America—more licensed gun dealers than there are McDonald's franchises. Yet there were only 1,783 ATF agents to police them; many of those agents are detailed by law to only investigate crimes involving explosives. Clearly there is room for the federal government to do more than it is currently doing. I wholeheartedly support increased enforcement efforts and commit to working with my colleagues on both sides of the aisle to see that federal, state, and local enforcement efforts are increased.

The bottom line, Mr. President, is that the American people want more from us and they deserve better from us. They want an end to random and senseless violence. We have got to get past the partisan divide that exists in the Senate. It is preventing us from effectively addressing the problem of gun violence and that cannot be tolerated, Mr. President. We must come together to achieve the goal that I know each and every Senator shares: to make our society safer for our young people. This issue is too important, Mr. President, to get caught up in politics. We must find a way to work together on this issue.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I oppose Senator DASCHLE's gun control resolution on the military construction appropriations bill. Rather than move forward on this important appropriations bill, some of my colleagues are trying to breathe life into their gun control agenda.

I think it needs to be made very clear that nothing this President has proposed and nothing that the million moms have proposed would have prevented Columbine; West Paducah, KY; Jonesboro; State of Washington, or Hawaii—none of those incidents. This is being done for political purposes, not because there is any real logic behind it.

I was disturbed to learn that the Federal Bureau of Investigation's national instant criminal background check system malfunctioned last week, thereby preventing background checks of gun buyers. As a result of the Government's error, gun sales throughout the Nation were halted from last Thursday through Sunday. Meanwhile, existing Federal gun laws are not being enforced, and the Clinton administration appears to be allowing the national instant check system to fall into disrepair. As a matter of fact, they have never fully implemented it, even though we gave them that charge a number of years ago.

During the debate on the Brady bill, the Clinton administration promised the American people an instant background check system, and we all agreed with having that system to get the real criminals in our society and to keep guns away from them. Indeed, I have worked hard to make such a system a reality. Unfortunately, as we have seen all too often, the NICS system is not instant for many Americans who wish to purchase firearms. As a result, many firearms-owning Americans are suspicious of the Federal Government's attempt to regulate firearms. Last week's collapse of the NICS system, which occurred during the Million Mom March, only increases this distrust.

As the chairman of the Senate Judiciary Committee, I am announcing hearings today on the problems associated with the NICS system and how Congress can compel this administration to administer the system adequately.

We will hold hearings on this. One thing is clear about last week's collapse: had the Lautenberg Amendment been enacted into law, all sales—even private sales—would have been barred at gun shows.

The Clinton Administration, and many of my Democratic colleagues, call for more gun control, but they do not administer or enforce existing laws and programs. There are literally thousands of federal, state, and local firearm laws presently in existence. President Clinton spends a great deal of time at press conferences on gun control. Meanwhile, his Administration cannot even operate the NICS system adequately.

Not only does the Clinton Administration fail to administer the NICS system adequately, it fails to prosecute existing gun crimes. For example, compare the following federal gun laws to the Clinton Administration's prosecution record:

It is a federal crime to possess a firearm on school grounds. The Clinton Justice Department prosecuted only eight cases under this law in 1998, even though more than 6,000 students brought guns to school. The Clinton Administration prosecuted only five such cases in 1997.

It is a federal crime to transfer a firearm to a juvenile. The Clinton Justice Department prosecuted only six cases under this law in 1998 and only five in 1997.

It is a federal crime to transfer or possess a semiautomatic assault weapon. The Clinton Justice Department prosecuted only four cases under this law in 1998 and only four in 1997.

It is a federal crime for a person who has been adjudicated mentally ill to possess a firearm. The Clinton Justice Department prosecuted only five cases under this law in 1998 and only four in 1997.

It is a federal crime for a person who has been dishonorably discharged to possess a firearm. The Clinton Justice Department prosecuted only two cases under this law in 1998 and no cases in 1997.

Worse yet, the Clinton Administration has failed to prosecute even the most serious gun crimes. Between 1992 and 1998, prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800.

Mr. President, I look forward to the upcoming hearing on the NICS system. My colleagues in the Senate should work with me to encourage this Administration to administer and enforce the existing laws before we even consider additional laws.

Additionally, we are talking about an enumerated right in the Constitution. And we should be very careful before we start playing around with the enumerated right. Unfortunately, some people think they can make political hay for this matter, and they are going to do everything they can to make that political hay. I have heard arguments here on the floor that are not justified under any terms.

It is time for us to enforce the laws that are on the books. There are some 20,000 laws, rules, and regulations against misuse of firearms, against the criminal use of firearms, against all other things I have been talking about, and this administration has not been serious about enforcing those laws. When they get serious about that, maybe they can come in less hypocritical and talk about some changes that both sides can get together on and do something about rather than having these phony approaches toward politics rather than the consideration of the rights of American citizens to keep and bear arms.

Mr. President, I yield whatever time I have remaining.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that I be able to use 5 minutes of my leader time to explain what I am planning to do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me say to my colleagues that I have just put in a phone call to Senator DASCHLE and advised him of how I wish to proceed.

What is at stake here is, can we go forward and make progress with the work we do in the Senate on our appropriations bills? Can we complete the military construction appropriations bill and have debate that we want to have on the Kosovo issue and include it as a provision? And it is not partisan. Can we go on to the foreign relations appropriations bill that has the emergency money for Colombia in it? Can

we go to the agriculture appropriations bill which has the emergency and disaster money in it or are we going to be faced every time we bring up appropriations bills with nongermane amendments? Under rule XVI, they can be ruled out of order only by the Chair. But if it is a sense of the Senate, the Chair has not ruled and has basically submitted it to the Senate for determination.

I am going to make a point of order that the Lott amendment—my amendment—violates rule XVI, that it is sense-of-the-Senate language on an appropriations bill, and that the Chair should rule on the germaneness question. If the Chair does not rule on that, then we will submit it to the Senate and we will have a vote on that question. Assuming a majority votes for that, then nongermane sense-of-the-Senate resolutions will be ruled out of order just as any other nongermane amendment.

I want to emphasize, germane amendments and germane sense-of-the-Senate resolutions would clearly be in order. But if we are going to deal with these emergencies, if we are going to get our work done and assist the appropriators in moving these very important, very difficult bills, we are going to have to get some clarity on this issue.

That is what I plan to do. We expect the Chair to rule, and then we will move to a vote on that.

Mr. President, I make a point of order that the pending Lott amendment violates rule XVI; that it is sense-of-the-Senate language on an appropriations bill, and that the Chair should rule on the germaneness question.

The PRESIDING OFFICER. The point of order is not well taken.

Mr. LOTT. Mr. President, I appeal the ruling of the Chair, in that the Chair has ruled it will not rule on amendments containing sense-of-the-Senate language on the question of germaneness, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DASCHLE. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe we have worked out a good agreement on how to proceed on the issues before us and the time that would be used this afternoon, tonight, and into tomorrow. Let me read that, and if there are any questions, I will respond.

I ask unanimous consent that the vote now occur on the appeal of the ruling of the Chair and, immediately following that vote, the point of order be withdrawn, the Senate proceed to a vote on the Lott amendment No. 3150, to be followed by a vote on the Daschle amendment No. 3148, all without intervening action or debate.

I further ask that following those votes, Senator LEVIN be recognized to offer a strike amendment relative to Kosovo and there be 10 hours of debate equally divided in the usual form, with 75 minutes of the opponent's time under the control of Senator BYRD, and no amendments in order prior to the vote.

I also ask consent that the vote occur in relation to the Levin amendment at 2:30 p.m., Thursday, and, following that vote, Senator BURNS be recognized to offer a series of cleared amendments on behalf of the managers, and, following those, the bill be advanced to third reading and the Senate proceed to the House companion bill, H.R. 4425, and all after the enacting clause be stricken, the text of S. 2521, as amended, be inserted, the bill be immediately advanced to third reading, and a vote occur on passage, all without any intervening action or debate.

I further ask consent that the Senate insist on its amendments and request a conference with the House and the Chair be authorized to appoint conferees, which will be the subcommittee and the chairman and ranking member, if necessary, and, following the passage vote, the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. BYRD. Reserving the right to object, Mr. President, Senator WARNER and I hope we can offer an amendment to amend our amendment dealing with the commitments that are laid out in that amendment which the allies will be expected to meet. We would like to reduce those commitments. I wonder if we might be able to include such an amendment in the request.

Mr. LOTT. Mr. President, I would not have an objection to that. I don't believe there would be objection on our side.

Mr. DASCHLE. Reserving the right to object, Senator LEVIN is not presently on the floor. I know Senator MCCAIN has worked with Senator LEVIN on this. Maybe I can defer to him. In speaking with Senator LEVIN, I know he also wanted the opportunity to offer an amendment to the Byrd language. I am sure he would want to be included in any kind of unanimous consent that would allow for amendments. Perhaps we would want to include that as well. Perhaps we could revisit this question after we get the general agreement to accommodate the Senators.

Mr. LOTT. I would certainly be inclined to work with Senator BYRD on that. I hope we can clear this agreement. We will check with all interested parties. I think it is a fair request. It is Senator BYRD's amendment along with Senator WARNER. A lot of Senators are interested in it, and we want to be sure they have an opportunity to be aware of it.

Mr. WARNER. Mr. President, may I take 1 minute to state the Byrd-Warner amendment. We would simply change the date from July 1, 2001, to October 1, 2001, the date on which funds would be prohibited for continued deployment of ground combat troops. Second is one of the benchmarks the President has to certify. It would be reduced from 33 percent to 25 percent, thereby making it possible, in the judgment of this Senator, that the President would be able to make the certification as required by the amendment.

Mr. WELLSTONE. Reserving the right to object, Mr. President, I think Senator LEVIN is on the floor now. I ask the majority leader this. It is my understanding that this is the first time in 16 years such a point of order has been raised on sense-of-the-Senate resolutions to amendments to appropriations bills. I ask the majority leader why this is the case.

Mr. LOTT. Well, we have a number of very important appropriations bills we want to move through the Senate, including appropriations bills with emergency provisions. In the case of the military construction bill, we have emergency funds, needed funds, for the Defense Department to reimburse accounts, such as operation maintenance, that have already been used to pay for the additional cost of fuel. In the case of foreign operations, we have language regarding the Colombian narcodrug war situation. In agriculture, of course, we have disaster funds included in that legislation.

The rule is very clear on germaneness when it is a substantive amendment, and the germaneness point also lies against budget resolutions and, under rule XXII, cloture votes and on reconciliation bills.

All this would say is, that germaneness point of order would be ruled on by the Chair, as it is in these other instances, in the future. Germane amendments would clearly still be in order. I assume they would be offered on many of these bills. It is a clarification of the rule XVI provision.

Mr. WELLSTONE. Mr. President, reserving the right to object, pursuing this a bit further, we always have appropriations bills. We did last year. I know some of my Republican colleagues had sense-of-the-Senate amendments. We always have the business of the Senate before us. I don't think the majority leader answered my question. Why, for the first time in 16 years, has the point of order been raised?

Mr. LOTT. If it was raised 16 years ago, I guess that would be justification enough under the precedent of the Senate. Sense-of-the-Senate resolutions have been growing by leaps and bounds. You will recall that at the conclusion

of the budget resolution debate, Senator BYRD rose and objected to the proliferation of these sense-of-the-Senate resolutions, and something like 35 or 40 sense-of-the-Senate resolutions fell because of the concerns he raised.

We have a lot of important work to do. We have the people's business to deal with. We need to get appropriations for agriculture. I know the Senator feels strongly about that. We need to get transportation work done. There will be plenty of germane amendments, substantive amendments, to be offered. If we don't make it clear that rule XVI applies to the appropriations bills, both on substance and on sense of the Senates, a great deal of our time will be spent on both sides of the aisle—and this is not something just on one side or the other; unfortunately, we abuse it, too.

So that is the reason, to try to clarify that and facilitate doing the people's work. We should have completed this military construction bill last Thursday.

Here we are with a lot of issues really we should not be dealing with. You could argue about even some of the language that was included in the committee. But the fact is, we have got to get it done, and I am trying to find a way to help get that work done and still allow for appropriate germane amendments.

Mr. WELLSTONE. Mr. President, this is my last question. Last year, the Senator from North Carolina, Mr. HELMS, who had every right to do so, had a sense-of-the-Senate bill expressing the sense of the Senate that the U.S. Census Bureau has willingly decided not to include marital status on census questionnaires, and so on and so forth. That passed by a 94–0 vote. I think this was on the Transportation appropriations bill. This is the first time in 16 years that this has happened.

I think the majority leader wants to run the Senate as the House of Representatives. I think it is a big mistake for this institution to be run that way. I think it is very difficult for us to be out here raising questions that are important to people's lives that we represent in our different States given the continuing challenges of raising these points of order by the majority leader. This is happening over and over again. I think the Senate is losing its capacity to have the discussions, to have debate, and to have its vitality.

I don't think I am going to object, but I would like to go on Record in strong opposition to what the majority leader has done. I think it is a terrible precedent for the Senate.

The PRESIDING OFFICER. Is there further objection to the unanimous consent request of the distinguished majority leader?

Mr. LEVIN. Mr. President, reserving the right to object.

Mr. WELLSTONE. Mr. President, I am not going to object. I think the reason I will not is I want to have a vote on these two amendments because we have been trying to do it. But I hate this precedent. I am going to try to figure out, along with other colleagues, I hope, a challenge.

Mr. LEVIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Mr. LEVIN. Mr. President, I am sorry I was not on the floor when the Senator from West Virginia offered what I understand to be a proposed amendment to this unanimous consent proposal. Is that correct?

Pending is the proposed amendment of the Senator from West Virginia to this unanimous consent request.

Is the Senator from Michigan correct?

The PRESIDING OFFICER. The amendment by the distinguished Senator from West Virginia has not been proposed.

Mr. BYRD. Mr. President, reserving the right to object, may I explain to my friend from Michigan?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Since the amendment, which was offered by Senator WARNER and myself, was acted upon in the committee and has reached the floor, several Senators have indicated concern with respect to the certification process set forth in that amendment. Out of respect for those who are concerned about that certification process, and in an effort to improve the legislative product, Senator WARNER and I have discussed this matter, and we are willing to reduce the numbers set forth in the certification language. We think that would improve the product and would also meet the concerns of Senators who have raised them. I was just seeking to include in the unanimous consent request a request that we might be able to include such an amendment.

Mr. LEVIN. I would object at this time to any such additions to the unanimous consent request. And that is what I was seeking. I would not object to the unanimous consent as it is printed here. But at this time, at least, I object to the amendment which has been proposed by the Senator from West Virginia.

The PRESIDING OFFICER. Is there further objection?

The majority leader is recognized.

Mr. LOTT. Mr. President, let me say that I certainly have shown my sympathy for what Senator BYRD has tried to do. I understand Senator LEVIN wanted to make sure he has thought through what is involved here. But I hope that we could go ahead and get this unanimous consent agreement and begin to make progress. Let's work with these two Senators to see if we can't find a way to accommodate each other's desires. I know that this is substantive. But I also know that the sponsors of the amendment to the language would have an opportunity to adjust it. I hope we can go ahead and get this agreement and proceed, and let's continue to work on that possibility.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I reserve the right to object. I will not further delay, except to say I hope we can work something out. The Senator from Michigan is not going to be able to let us proceed with that part of the request. We will try to work something out. In the meantime, let me say that if we are unable to work out something that will allow us to amend this bill, I want to give those Senators who are concerned in this regard my assurance that in conference I will do everything I possibly can to reduce those certification requirements. I give them my word that we will get that done in conference.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I am grateful that we are going to be able have two votes. I think it is extremely important. I say to the majority leader I have had requests by three Members that following the votes on the two amendments they be allowed 15 minutes, and, of course, if they want, reciprocal time on the other side of the aisle. We would be able to agree to that. We would have 15 minutes to talk following the two votes. It will delay things perhaps up to half an hour, if the other side decides to take their 15 minutes.

Mr. LOTT. Mr. President, if we could get the request agreed to at this point, with that one addition, I think that is reasonable.

Mr. REID. That is all we have. I think if we could get that agreement we could go forward with the unanimous consent request.

Mr. LOTT. Mr. President, I ask unanimous consent that we agree to an amendment of 15 minutes on each side—before we begin the Kosovo debate. We have 10 hours of time for the Kosovo debate. This is a very important foreign policy and defense issue. We need to get engaged in this discussion.

I make that modification, and I urge my colleagues to agree to this request.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BIDEN. Is the Byrd request to amend his language part of this unanimous consent?

Mr. LOTT. It is not.

The PRESIDING OFFICER. It is not.

Mr. REID. Mr. President, so there is no misunderstanding, the 30 minutes would immediately follow the two votes, and I would control the 15 minutes on this side.

The PRESIDING OFFICER. That is correct. Is there objection?

Mrs. HUTCHISON. Mr. President, reserving the right to object, I have to ask a question of Senator BYRD and Senator WARNER. If they are not able to perfect their amendment, am I barred from offering the amendment that would lengthen the time?

Mr. WARNER. Mr. President, I can answer that. Senator BYRD and I discussed not having the amendment accepted. We have the assurance of Senator BYRD. I talked to Senator STEVENS. I concur that in the conference the substance of the amendments will be worked out should the provision remain in the bill. It is the best we can do.

The PRESIDING OFFICER. Is there objection to the request of the distinguished majority leader?

Mrs. HUTCHISON. I object.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues on both sides for working to understand what we are doing. I renew my unanimous consent request as stated, with the addition that was offered by Senator REID.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President, I join the comments made by the Senator from Minnesota. This is a historic moment in this Chamber. It is not just another procedural vote. It is a decision by the majority, the Republican majority in this Senate, to reduce the opportunities that Members in the Senate have to discuss the issues of importance to this Nation. It is being offered in the name of efficiency. It is being offered in the name of saving time.

It was not that long ago, only a few years ago, when the Elementary and Secondary Education Act was debated for several weeks at a time, under both Democratic and Republican leadership, with the offering of a myriad of amendments on both sides. That was considered the deliberative process. That was what the Senate was all about. It was a battle of ideas and the best side would win. We would move forward with legislation in a bipartisan fashion.

What the majority leader is doing today with this point of order is to basically close down debate on the floor of the Senate. I think it is worthy of note that the issue that has precipitated this is gun control. This is the bone in the throat of some of the Members who cannot stand the idea of voting on this issue.

We believe this is an answer to that. Bring the bill to the floor and let's vote for it up or down, bring it out of conference. The idea we are somehow paying homage to efficiency in the name of this institution, in the name of taking away our birthright as Senators to speak to issues on behalf of the American people, I believe, is, frankly, going to penalize this institution.

Mrs. HUTCHISON. Regular order.

The PRESIDING OFFICER. The regular order is for Senators to object or not to object. Is there an objection?

Mr. SCHUMER. Reserving the right to object.

The PRESIDING OFFICER. The regular order has been called. A Senator may object or not object.

Mr. SCHUMER. I reserve the right to object.

The PRESIDING OFFICER. The Senator has no right to—the Senator has the right——

Mr. WELLSTONE. I object. I object.

Mr. SCHUMER. I object.

Mr. LOTT addressed the Chair.

Mr. WELLSTONE. I object.

Mr. LOTT. Mr. President, everybody is trying to be patient and understanding. I ask the Senator be allowed to speak under his right to object, but remind him that the rules are that it is not an opportunity to give a speech on the substance. It is a reservation to make a point or a question. I hope the Senator would accommodate that and not go into a long statement.

Mr. SCHUMER. Mr. President, I thank the Senator for his courtesy. I would have objected, but I spoke to our minority leader and I follow his leadership. I cannot state how strongly I feel about the inability to have open debate in the Senate. I simply say, with all due respect to the majority leader, a man I respect and admire, the feelings on this side, and our inability to debate issues we think are important—whether they be gun control or education—are reaching the boiling point. I fear if we are throttled any further, the whole order and comity of this body will break down.

I plead with the majority leader that we think of a better way to do things than close down debate on issues some Members think are vitally important to debate. I say that with great respect and love for this institution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues. In the 15 minutes after the votes, I will respond to some of the comments that have been made in the way they richly deserve. For now, I believe we are ready to proceed.

The PRESIDING OFFICER. (Mr. CRAPO). The question is, shall the decision of the Chair stand as the judgment of the Senate?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessaily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Chafee, L.	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—54

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
Crapo	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Voinovich
Fitzgerald	McCain	Warner

NOT VOTING—1

Dodd

The ruling of the Chair was overruled as the judgment of the Senate.

The PRESIDING OFFICER. The Senate will next consider amendment No. 3150.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3150. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—69

Abraham	Craig	Hutchison
Allard	Crapo	Inhofe
Ashcroft	DeWine	Jeffords
Baucus	Domenici	Kerry
Bennett	Dorgan	Kyl
Bingaman	Edwards	Landrieu
Bond	Enzi	Leahy
Breaux	Feingold	Lieberman
Brownback	Fitzgerald	Lincoln
Bryan	Frist	Lott
Bunning	Gorton	Lugar
Burns	Gramm	Mack
Byrd	Grams	McCain
Campbell	Grassley	McConnell
Cleland	Gregg	Murkowski
Cochran	Hagel	Murray
Collins	Hatch	Nickles
Conrad	Helms	Roberts
Coverdell	Hutchinson	Roth

Santorum	Smith (OR)	Thomas
Sessions	Snowe	Thurmond
Shelby	Specter	Warner
Smith (NH)	Stevens	Wyden

NAYS—30

Akaka	Hollings	Reed
Bayh	Inouye	Reid
Biden	Johnson	Robb
Boxer	Kennedy	Rockefeller
Chafee, L.	Kerrey	Sarbanes
Daschle	Kohl	Schumer
Durbin	Lautenberg	Thompson
Feinstein	Levin	Torricelli
Graham	Mikulski	Voinovich
Harkin	Moynihan	Wellstone

NOT VOTING—1

Dodd

The amendment (No. 3150) was agreed to.

Mr. DASCHLE. Mr. President, we have witnessed an extraordinary political spectacle in the last 24 hours. Yesterday we spent approximately 3 hours in a quorum call because the Republican caucus could not decide how to respond to a simple Sense of the Senate amendment commending the Million Mom March and demanding that this Congress act now to pass sensible gun safety legislation.

Today, the Republicans attempted for the second time to rule our amendment out of order.

What, I ask, is so disconcerting about the Democratic amendment?

Are there really members of this Senate who do not believe that the stalling has gone on too long? Are there really members of this Senate who believe that it is not a national emergency that children are dying in this country every day from gun violence? Are there really members of this Senate who believe that this emergency is too insignificant to command time on the Senate floor?

Yesterday, after 3 hours of silence and paralysis, our Republican colleagues decided that they could not simply join us in commending the Million Moms. Instead, they decided to offer their own amendment.

Let us not be distracted. We will vote on the Republican amendment, but the vote that matters, the vote that may just prevent more kids from dying, is on the amendment I have offered.

Constitutional scholars may disagree about the meaning of the Second Amendment, but I for one believe there is nothing inconsistent about protecting the Second Amendment and closing the gun-show loophole, requiring trigger locks on handguns, or banning juvenile possession of military style assault weapons.

Moreover, I agree we should enforce our gun laws. But that is only part of the solution. It is just a basic fact that you can't enforce a loophole. We need a policy of zero loopholes, and zero tolerance.

The gun lobby keeps trying to confuse us. They say the debate is either new gun laws or education. They say it is either new gun laws or enforcement of existing laws. But this is not an either/or debate. We need a multifaceted solution to end gun violence.

Let's look at what the Republican amendment says:

They call for better enforcement of existing gun laws. But they can't resist attacking the Clinton Administration's efforts. They twist statistics to make the case they want.

The reality is that the number of firearms offenders sentenced to 5 years or more in federal prison has increased more than 41 percent since 1992. The reality is that federal authorities have worked diligently with state and local authorities, during this Administration, to reduce violent crime in a cooperative and coordinated fashion. The reality is the total number of prosecutions for weapons offenses has increased more than 22 percent since the beginning of this Administration and violent crime has dropped by 35 percent.

I think we should commend America's hard-working law enforcement officials for these successes, not vilify them. Sadly, my Republican colleagues do not agree.

Next, the Republican Sense of the Senate acknowledges the existence of the Juvenile Justice Conference Committee. And they point to provisions passed by this Senate as part of the Juvenile Justice bill that they support, such as strengthening penalties for gun crimes and illegal gun purchases and prohibiting juveniles who commit felonies from ever possessing a gun.

Democrats support these provisions, too. But these measures, by themselves, are not enough. This Senate did better. This Senate passed the Lautenberg amendment to close the gun show loophole. And just a month and a half ago, 53 Senators reaffirmed that the conference report should include this provision. Sadly, my Republican colleagues chose not to include the Lautenberg amendment on their list of priorities.

The Republican amendment, however, while it acknowledges the existence of the Juvenile Justice Conference, does not explain why that conference report has yet to come before this Senate.

The biggest problem may not be difference over which provisions are most important. The biggest problem may be the fact that special interest politics have prevented this conference from meeting at all.

Finally, the Republican amendment concludes that each U.S. Attorney's office should designate a prosecutor to pursue firearms violations, that we should update the national instant criminal background system, and that we should encourage states to impose mandatory minimum sentences for firearm offenses. Again, most Democrats support these measures. But are they enough? We know they are not.

Their amendment also concludes that law-abiding citizens have the right to own a firearm for self-defense and recreation. I agree with this statement. I myself am a hunter. But I am also a father and I feel for all the other fathers—and mothers—who have lost a child to gun violence. That is why I introduced this amendment.

On the whole, I have decided to vote against this amendment because I disagree too strongly with many of the findings in the Republican Sense of the Senate amendment, and their one-sided nature. However, I must make clear that I support the second amendment, like other constitutional provisions, and believe that the second amendment does not preclude reasonable regulation of the use of firearms. But this Republican amendment does not go far enough and will not stop the violence in our communities.

Democrats have offered an amendment that acknowledges the dreadful cost that gun violence is having on our country. We cannot forget that 12 young people are killed every day in America by gunfire. We cannot forget that American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrial countries combined. And we cannot forget that every day we spend in political gridlock is a day we waste solving this terrible problem—a day we do less than we should to stop the killing.

That is why the Democratic amendment, in addition to commending the mothers and fathers that gathered across the country this Mother's Day to call for meaningful, common-sense gun policy, insists that Congress act now to improve our gun safety laws.

This Senate needs to demonstrate to America's mothers and fathers that we heard their call. This Senate needs to resolve today, as the Democratic amendment demands, that the Juvenile Justice Conference must meet and must pass a conference report that includes the Lautenberg amendment and other critical provisions to limit access to firearms by juveniles, convicted felons, and other prohibited persons.

It is the least we should do, and it is long overdue.

Mr. President, I ask unanimous consent that vote No. 64 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROLLCALL VOTE NO. 64, APRIL 6, 2000

(On agreeing to the Reed amendment (No. 2964) to express the sense of the Senate regarding the need to reduce gun violence in America)

YEAS—53

Abraham	Feingold	Lugar
Akaka	Feinstein	McCain
Bayh	Fitzgerald	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Roth
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Smith, (OR)
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NAYS—47

Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Mack	

AMENDMENT NO. 3148

Mr. CRAPO. The question is on agreeing to the Daschle amendment, No. 3148.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—50

Akaka	Feinstein	Lincoln
Bayh	Fitzgerald	Lugar
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Jeffords	Reid
Byrd	Johnson	Robb
Chafee, L.	Kennedy	Rockefeller
Cleland	Kerrey	Roth
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
DeWine	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	

NAYS—49

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Baucus	Grams	Santorum
Bennett	Grassley	Sessions
Bond	Gregg	Shelby
Brownback	Hagel	Smith (NH)
Bunning	Hatch	Smith (OR)
Burns	Helms	Snowe
Campbell	Hutchinson	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Coverdell	Kyl	Thompson
Craig	Lott	Thurmond
Crapo	Mack	Voinovich
Domenici	McCain	
Enzi	McConnell	

NOT VOTING—1

Dodd

The amendment (No. 3148) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SESSIONS). The majority leader.

Mr. LOTT. Mr. President, after an extended period of time for votes on these issues, we are ready to go to what I hope will finally be a substantive debate with regard to the Kosovo issue. Under the agreement that was worked out, I believe we have 15 minutes now to talk about this series of votes which just occurred. Therefore, I claim a part of that time for myself.

The PRESIDING OFFICER. There are 15 minutes per side.

Mr. LOTT. I yield myself 5 minutes.

Mr. President, there were a number of things said earlier today on which I just bit my lip and took it because I thought, for the greater good of the Chamber, we should get an agreement and move forward. There has been a lot of what I consider to be misinformation put out about this issue and why we were proceeding the way we were. Plus, I also feel personally maligned, and I do not appreciate it, I say to my colleagues.

I made the choice to leave the House and come to the Senate. I was on the Rules Committee. I could have stayed there. I could have been on the Rules Committee, but I chose to leave. I do not think we have any—I do not remember the term that was used earlier—God-given rights in this institution.

We all have certain rights, and I am going to work to protect those rights. When I believed Senator SCHUMER was not being treated properly, I spoke up. Last year, in a very critical moment when Senator BYRD was not being treated properly, I said: No, that is not right.

I am getting really tired of people questioning my commitment to the Senate and to the opportunity for debates and that I am trying to be a rules committee of one.

I tell you, what I am trying to do is find a way for the Senate to do its work. These charges that are leveled against me are nonsense.

One of the things I have done since I have been in the Senate and have been majority leader is I have studied the history of this institution. That is why I started the Leader's Lecture Series, because I wanted to know what previous majority leaders did. I read them on both sides. I can tell you what Senator Mansfield did. I can tell you what Senator Lyndon Johnson did. I can tell you what Senator BYRD, Senator Mitchell, Senator Dole, and Senator Baker did as majority leaders.

People talk about that civility has broken down, and there is acrimony. That is ridiculous. I think we have a very good relationship here. You may not get it the way you want it every time, but you do not have a guarantee that you get the results you want every time.

What it is really all about is getting the work of the Senate done, dealing with real bills and real issues, not playing games and saying: OK, we voted last year; we have not voted this year. OK, we voted last month; we have not voted this month.

Somebody has to be charged with the responsibility of trying to get the process to move forward. It falls to the responsibility of the majority and, therefore, the majority leader.

Am I the only guy here who thinks we ought to get the military construction appropriations bill done with the emergencies in it that the President asked for?

Am I the only guy here who thinks we ought to pass the foreign operations appropriations bill with the Colombian drug money in it, which we need to do, because there is a crisis developing down there? You talk about the situation in Kosovo. I think the situation in Colombia is a lot more dangerous for the long term. They are poisoning the minds of our children. Every day they are killing kids.

Am I the only one who thinks we ought to do the agriculture appropriations bill with the disaster money that is in it? Everybody says: We want it. We want it. When? When do you propose to do it?

The military construction appropriations bill should have been done last Thursday. It could have been done last Thursday. We could have had a debate on the Kosovo issue. I did not put that into this process. It was done at the subcommittee level. I might not have done it that way, but it is there. We have to deal with it. No, no, no, no, the word was we had to have talk about guns, driven by the Million Mom March.

You wanted debate. Yesterday at 4 o'clock, I said: OK, let's have debate. The rest of the night we will debate, tomorrow for 3 hours, and we will have a vote. No. We were told we have to have 12 hours for debate on this issue. And then, 4, 5 hours later, we wound up basically getting an agreement so people could talk for about the same time. Maybe you all were not aware I was trying to say, OK, let's have debate.

I want to go back to one other thing I said earlier. No, it is not a ''rules committee of one.'' It is a rules committee of the majority. There has to be fairness; there has to be understanding. You have to be able to make your speeches on both sides. We want that. But to have these sense-of-the-Senate resolutions that make these great, profound statements but don't result in any substantive action, I think that is a very serious problem.

The PRESIDING OFFICER. The majority leader has used his 5 minutes.

Mr. LOTT. We had in our budget resolution provisions that stopped sense-of-the-Senate resolutions from being voted on repeatedly, over—well, 45 of them right at the end of the session.

Now, somebody said we are trying to shut down Senate debate. We had debate. We had 6 or more hours on this issue. We debated it 4. We had debate on it last week on the so-called gun issue. We had debate and votes on it last year.

As a matter of fact, we have bills in conference on a number of these issues on which we are going to act. I am working on them one by one. We have

the FAA authorization conference report. We have the African trade conference report. We are working, in a bipartisan way, to see if we can get the bankruptcy conference report. We are working on e-commerce.

Nobody is trying to shut the Senate down. We are trying to get the Senate to move forward and do its work.

As far as order and comity, I support that. I am going to do everything I can to continue to support that. But I think for us to have basically 1, 2, 3, 4 days tied up having debate on gun amendments instead of having debate on Kosovo and the military construction appropriations bill is not the way we should be operating.

We have this language in conference. We voted on it last year in the juvenile justice bill. Maybe you forgot. But last year I said, with advanced notice: OK, we are going to have the juvenile justice bill. It is going to be open for amendment. We were going to finish it; start on Monday and get through on Thursday. It took another whole week. My trying to be helpful and cooperative wound up causing all kinds of problems for us.

I think it is important that we put this in perspective. We had the two votes. What has been proven here? One of them—a resolution—we agreed to by a vote of 69–30, saying: Hey, we have laws on the books. Why don't we enforce the gun laws? Why don't we arrest people who are using guns in the commission of crimes? Why don't we stop people from taking guns into schools? Why don't we take actions instead of just talking about it?

More laws on the books. Oh, that's the solution: More laws. Let's take away people's rights instead of enforcing the laws that are on the books.

But we got an overwhelming vote on that. Then again, we got a vote of 50–49 telling the conference to act before Memorial Day. Well, great. The Senate is going to tell the conference to act before Memorial Day? Do you know how much weight that really carries? Zero.

They are going to get a juvenile justice bill. Will it be to the perfect liking of me or anybody else in this Chamber? I doubt it. But they are going to get a result.

So this is a lot of sound and fury that is not going to produce results in terms of the Justice Department enforcing the laws on the books or in terms of getting the conference to provide a final action.

I have been pushing to act on that conference report. In fact, I am pushing every conference report. But I have to go on the record saying I do believe I have been maligned unfairly. I have bent over backward to try to give notice when we were going to call up a bill and to have cooperation with the Democratic leadership to make sure Senators had a chance to make their case.

But to come in here and think we have to have a right to offer nongermane amendments to every appropriations bill that comes through, and then criticize us for not getting our work done—oh, boy, that is really smart—really smart: Yes, we demand our rights to offer our issues. By the way, why aren't you guys getting these bills done?

I do not believe the American people are being fooled by all of this.

So I will end with this. I will not impugn other people's actions or integrity. I am going to try very hard to make sure we are civil in the way we act and that we have a relationship. But also I hope you will understand that I am trying to get bills done.

Some people say: You worry too much about running the railroad. Somebody has to do that. I guess it is my responsibility. Somebody has to try to see if we can get these appropriations bills done before the end of the year so we don't get to the end of the session and schools don't know what they are going to get, parks don't know what they are going to get, while we are wrangling around here to see who is going to get primacy over the other.

I am saying let's do these appropriations bills. I am going to give priority to the appropriations bills over everything else. I would like to do the defense authorization bill and the defense appropriations bill next week, but we have people who want to offer nongermane, nonrelevant amendments that are going to tie that up probably for all week. So instead, we will go to the agriculture appropriations bill.

But before we leave next week, we are going to have to do the military construction appropriations bill, the foreign operations appropriations bill, and the agriculture appropriations bill. In the process, if we could have a little cooperation, I think we could get a lot of nominations done. Hopefully, we can come to an agreement on how to complete action on the Elementary and Secondary Education Act.

I am going to offer a unanimous consent request next week or tomorrow to have more amendments on education, but let's see if we can find a way to get to a conclusion on education. I presume the Democrats are going to object because they want to offer issues that do not relate to elementary and secondary education.

Let me say I suspect there might be objections on this side, too, because people want to offer amendments that are going to do nothing but cause problems and probably defeat the Elementary and Secondary Education Act. I do not think that is good. I think we need to address this issue of education.

So I wanted to take advantage of some of this 15 minutes. I do not know how much time is left. But I had it on my chest, and I had to hold it earlier, so now I feel better. I hope maybe we all got some of this out of our system and we can move on to get our work done.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. I will use my leader time and not the time allocated to others for consideration of their remarks.

Let me just say the majority leader was able to get some things off his chest. I have not heard all of what he has unloaded this afternoon. But I look forward to reading the RECORD. I don't know if there is any possible way, in a period of a couple minutes, for us to get everything off of our chests.

I will tell you this. The way the Senate is being run is wrong. No majority leader in history has attempted to constrain Senate debate as aggressively as Senator LOTT has chosen to do. Now, that is his right. People ask, on many occasions, what my feelings are personally about that. That is his right. He has chosen the way he runs the Senate. I think he is doing that for what many believe is a laudatory reason. He is trying to protect his members so they don't have to vote on tough issues.

Let's get it out on the table. If I am going to get everything off my chest, I think he is trying to protect his members. He sees that as his role. I understand that. But no majority leader has ever gone to the extent that he has—no one in history. I defy anybody to come to the floor and challenge that statement. No majority leader has come to the floor to say, before we take up any bill, we will have to limit the entire Senate to relevant amendments. No one has done that. So let's get that straight. I ask any of the 99 colleagues to challenge that statement. No one can. So we start from that.

Why do we want to have debate on amendments? Because that is the only ability for the minority to express itself. The majority leader has phrased it very interestingly. He said: I don't want all these amendments to cause trouble. The more they cause trouble, the more in jeopardy the bills will be.

He made reference to that regarding the education bill. He didn't want amendments to cause trouble. Cause trouble for whom? What kind of trouble? What are we talking about here? We are talking about the ability of Senators to express themselves, to offer amendments, to have debate. There is an old-fashioned way of dealing with it. It is called a tabling motion. Or you can get elaborate and offer a second-degree amendment. You can do all kinds of things. But to say, ''We are going to come to the floor and do it my way or no way,'' is unacceptable.

Over and over and over and over again, we are told that is the way it is going to be. One of our colleagues the other day said it is like the frog sitting in a pot of water who doesn't notice that the water keeps getting hotter and ultimately the frog boils to death. Well, the water continues to heat, and we are slowly boiling to death, procedurally.

We just lost another right this afternoon, and it is outrageous—outrageous. How many more times do we have to limit ourselves to debate on the Senate floor, and how many other ways are we

going to limit debate and expression and gag Senators? That is wrong. That is absolutely the wrong way to run the Senate. We hear a lot about cooperation, but I am telling you, there will not be cooperation unless we understand that the minority has to have its rights, too. Those rights have to be respected.

I hope, when we are in the majority, we understand the rights of the minority. I will admonish my colleagues to do that. But this is getting to be more and more a second House of Representatives. This is getting to be more and more a gagged body. This has nothing to do with the traditions of the Senate that I admired when I became a Senator. We have gagged Senators on the budget. We have gagged Senators on appropriations. We have gagged Senators on sense-of-the-Senate resolutions. We have gagged Senators on the right to participate in conferences. Do you know that we have not had a conference report this year come back with a kind of conference that we have always historically and traditionally organized as a result of passing legislation? We just don't have real conference committees anymore.

I just heard a report in our ranking member's lunch today, where staff reported on virtually every bill that has passed the Senate, where we are meeting at the staff level trying to work things out for the conference report, and Republican staff told Democratic staff: If you don't like it, don't come because that is the way it is going to be. That is cooperation?

So I will say to my colleagues on the other side that we are not going to tolerate it anymore. We are not going to accept that anymore. I am going to demand that every single appropriations bill that comes to the Senate before it can be completed be passed in the House first because that is regular order. Let's stay through a recess for a change. I am ready. We are going to require the regular order when it comes to appropriations bills. We are not going to do unanimous consent requests routinely as we have done so easily and quickly in the past.

It is over. If there is going to be cooperation, I want to see it on both sides. I want to see some respect for the rights of the minority when we deal with these issues, and I will not allow our members to be gagged. We will have a lot more to say about this, but I am telling you, we have drawn the line. We are not going to be conducting business as we have in the last several months. That is over. That is behind us. We can do it the Senate way, or we are not going to do it at all.

I yield the floor.

Mr. LOTT. Mr. President, I believe we have 4 minutes left on our side. I believe I have some leader time left.

The PRESIDING OFFICER. The majority leader is correct.

Mr. LOTT. I yield myself time under my leader time and leave the remaining 4 minutes for others who might want to speak on the gun issue.

If that is the way it is going to be, then that is the way it is going to be. One of the things that shocked me in the last day in talking about things that you don't appreciate is, yesterday, I had no notice at all that this issue was going to come up. I found out when I came on the floor. I had not seen the amendment to be offered. I had no notice whatsoever.

Earlier this year, when there was an incident where I took an action and the Democrats had not been notified, it was called to my attention—because I thought they had been—so I apologized and said we would correct that, and we did. But if it is over, it is over. This can go all ways. We can just draw the line and not get any work done. We can just not have cooperation if that is the way they want it to be. But it extends across the board. I don't think that is the way to proceed.

I am not going to be threatened and intimidated by the minority in trying to get our work done. If you want to go through this approach, if you want to shut down everything, then everybody loses in that process. We can cooperate and we can get these bills done.

As far as issues coming up where we don't like it—in fact, one of the Senators I have been concerned about—and one of the issues on this Elementary and Secondary Education Act is that we have a Senator who wants to offer something dealing with NCAA gaming, and there is an objection on the Democratic side. I have gone to the colleague on this side and said this is not relevant to this issue, doesn't relate to elementary and secondary education, and we ought not to do that. After a lot of back and forth, he came back and said: OK, if we can get it up some other way, I will agree to back off of that for now.

But on both sides we have Senators who want to offer things that will cause mischief and delay or kill a bill. That happens. If you have an elementary and secondary education issue that comes up and somebody offers a killer amendment, we stall out right there. It might not be on this side.

So it takes a lot of cooperation around here on both sides. I think we have had that pretty much for 4 years. Both leaders have to look after their members. You have members who want to be heard. You have to try to get them in there. In fact, every one of these issues that I hear complaints about, we voted on all those issues. We voted on all of them over the last year. Maybe not this year or last month, but they have been voted on. So I hope it doesn't come to this.

I have tried to avoid having an acrimonious relationship. Maybe it is unavoidable in this election year, but I think that would be a shame for the American people because, after all, that is about whom we should be thinking.

Regarding these conference reports, I have never seen a more bipartisan effort than what we had on the Africa and CBI trade bill. I don't know whether it was some sort of legally constituted conference or not. Sometimes the House doesn't appoint conferees, but we have an obligation to keep trying to work. Senator MOYNIHAN was there, Senator ROTH was involved, as were Chairman ARCHER and Congressman RANGEL. It was totally bipartisan.

It was one way, one side, or one party or the other trying to get the upper hand on the other.

The reason we are doing what we are doing on bankruptcy is that we are trying to find a way to move bankruptcy so we can then extract the minimum wage issue. We have people on one side or the other objecting to it. What do you propose we do? What I propose we do is to get our work done right across the board. I am willing to try to do that.

But if we are going to hold our breath, turn red in the face and threaten, then that is the way it will be. But everybody needs to understand that in that kind of relationship nobody wins; everybody loses. More importantly, this body and the American people lose because we have a lot of work we need to do together.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I am sure I have a little time remaining.

Let me just say no one wants to stomp their feet and get red in the face—certainly not me. That is not my style. If it has happened, it is only because the frustration level continues to mount.

It is ironic that the majority leader uses the word ''cooperation'' so frequently because that irony has struck me to be the essence of the problem. There is so little opportunity for cooperation when the majority acts in the manner it has throughout this Congress. That is the problem—no cooperation. We are prepared to work through appropriations bills and to work through the authorization bills.

He mentioned the need for cooperation. He also mentioned, I might add, the urgency of the emergency funding in these appropriations bills. The House begged the majority leader for cooperation on the emergency supplemental. The administration begged the majority leader for cooperation on the emergency supplemental. Many of us on the Democratic side urged the majority leader to cooperate on the emergency supplemental. But do you know what the majority leader said? I have decided there will not be any cooperation on the emergency supplemental. I have decided it will go piece by piece in appropriations bills, and you take it or leave it.

I am not trying to get excited here. But let me just say as softly and as sincerely as I can: That is not cooperation. That is a Senate version of dictatorship that I think is unacceptable. We work by committee. We work by consensus. We work by genuine cooperation. We work by trying to deal

with these issues one by one. I could cite many other examples. We want cooperation. We are willing to work with the majority quietly and productively. But we want cooperation.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I hope I have some time left because I do need to put some things in the RECORD.

With regard to cloture votes, I have studied the masters.

First of all, we now have to file cloture on the motion to proceed because we are told it is going to be filibustered. Even the motion to go to a bill is being filibustered, and there has been a tremendous increase in that.

We are not filibustering even the substance of the bill but the motion to proceed to the bill.

Let me give you some statistics.

When Senator BYRD was majority leader, he filed 87 cloture motions. There was one cloture vote on a conference report.

The average cloture votes per Congress: 289.

Senator Mitchell filed 166 cloture motions—26 cloture motions on conference reports, and then 35 motions that were withdrawn or vitiated. That is another thing. Quite often we have to file cloture; we get an agreement, and we vitiate it.

Senator Dole—so everybody understands this is not partisan—filed 91 cloture motions: 5 cloture motions on conference reports, and 21 of them were withdrawn.

These are some interesting statistics about how we proceed around here. When we are having a filibuster, either we have amendments or we debate. That is the only option the majority leader has.

I wanted to get that in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me say for the RECORD at this moment, in response to the distinguished majority leader, that Senator BYRD and Senator Mitchell never filed cloture to prevent Members from offering amendments—never.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized for 15 minutes.

Mr. REID. Mr. President, I yield 5 minutes to Senator KENNEDY, 4 minutes to Senator BOXER, 3 minutes to Senator DURBIN, 2 minutes to Senator REED of Rhode Island, and 1 minute to Senator SCHUMER.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope our majority leader understands the friendship and the personal affection that many of us feel for him personally. This really isn't a personal issue. It is about how we are defining the role of the Senate.

As I remember history, our Founding Fathers wanted this to be a place where there would be free and open discussion and the clash of ideas—not a place for a narrow, partisan agenda; not where there was going to be, as the Democratic leader pointed out, effectively, the gagging of Members from being able to represent different ideas and different positions.

We come from all different parts of the country. We represent a variety of interests. This institution is supposed to be, as I thought it was going to be, about representing various positions and having the clash of ideas.

There isn't anyone who has questioned the majority leader's leadership in asking for a delay in terms of the consideration of various pieces of legislation. That is not what this is about.

But there are many of us who believe it is a matter of importance that we deal with the availability of guns to children in this country. We don't think that this is just some simple Democratic proposal. We believe it is something that goes to the core of many families in this nation. We think we ought to be able to debate and then call the roll.

We don't think it is just a matter of some narrow interest about whether we debate and finally resolve the issue of prescription drugs. We think that this is something of major importance and consequence.

We had to go through the hoops in order to try to deal with the No. 1 issue of people in this country; that is, whether doctors are going to make the decisions in treating people or whether it is going to be insurance agents. We are being denied the opportunity to bring those up. We were denied that opportunity and we've had to go through gymnastics.

We are denied the simple opportunity to have a vote in the Senate on the issue that affects 12 million of the neediest people in this country, the minimum wage.

So the leader shouldn't take this as a personal matter. This is what we think this institution is all about. They have their agenda. They have the votes. But let us at least try to represent what we believe families in this country are all about. That is what I think our leader is attempting to make sure we do.

With all respect to our leader and all the history he has represented, I have been here for a good period of time and we have never had this kind of termination and basic denial of individuals being able to raise these issues.

We were here when Jim Abourezk, Howard Metzenbaum, and one other Senator closed down the Senate day in and day out because of their concerns on the deregulation of natural gas. People respected this. And at the end of 3 days and nights, Members of the Senate were going out and embracing and shaking hands because they respected the fact that people had strong views and that this institution responded to them.

That is all we are asking. Let's let the Senate be the Senate of the United States. That is what we are going to fight for, and that is what we are going to insist on.

I agree with my good friend, the Senator from South Dakota. This isn't about feeling threatened. No one is threatening. If you want to shut this thing down, go to it. If you are not going to let the work get done, so be it. If you want to threaten with being red in the face, so be it. No one is talking about that. We are talking about trying to advance the agenda that is of central concern to people in this country.

That is what this institution is about. I thought Senator DASCHLE spoke for the institution. I think it is an agenda that should be pursued.

Mrs. BOXER. I will take a deep breath to see where we are in this great body.

Senator DASCHLE, on behalf of many Members on this side and on behalf of 750,000 moms and their families, offered a very simple amendment to the bill. By the way, that happens all the time or should happen all the time around here. He offered a simple amendment to a bill commending the Million Mom March and simply asking that the conference committee that is taking up the juvenile justice bill release that bill, bring it back with the five sensible gun laws, and send it to the President for his signature. These five sensible gun laws are to stop the killing, the violence that is happening in our streets, in our cities, in our suburbs and our rural areas, in our schools, even in our churches, even in our Jewish community centers, a simple, straightforward amendment.

The majority leader said today he didn't see it coming. What was coming? An amendment, a simple, straightforward amendment. The majority leader acted as if he was hurt to the core that this amendment would be offered.

Let me say with great affection to the majority leader, he shut the Senate down for 5 hours yesterday because he didn't want to vote on that simple, straightforward amendment commending the Million Mom March and asking that conference committee to come back with the legislation. He shut the Senate down for 5 hours. It took 24 hours until we were able to vote. Might I just say when we thought we were ready to vote, he made a point of order that hasn't occurred in 16 years to try to do away with that vote. He wonders why those on this side felt we were being gagged.

On the bright side, we won that vote today. The Senate has gone on record for the second time—the first time with the Reed amendment, and the second time with the Daschle amendment—to bring five sensible gun laws to this body for action. The Senate has spoken. The majority leader made light of it and said, ''No one really cares about it. It is a sense-of-the-Senate amendment.'' That isn't being respectful of the Members here, a few of

whom crossed over from that side of the aisle. I thank those three or four who did so. I think the majority leader is wrong to think the conference committee would not listen. I hope it will.

One of the things the majority leader said is we want to get to the ''real'' bills. I close with this: Is the majority leader implying that it is not a ''real'' tragedy when 12 children are shot down and killed every day? Does the majority not think it is a real issue, it is a real concern, when 30,000 Americans are killed every year—300,000-plus over the last 11 years, and 8 times as many injured, many in wheelchairs, suffering posttraumatic stress.

This has been an emotional couple of days for this Senator. This is the Senate. We should not be gagged. We should be heard.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. Mr. President, I have worked in and around legislatures in the Congress for most of my life, over 30 years. I understand what being in the minority means. That means we usually lose. That is part of the business.

I also believed when I was elected to the Senate that I had an obligation beyond my obligation to the people of the State of Illinois, an obligation to this institution. This institution represents something special in the history of this Nation. Only about 1,840 men and women have had the honor to serve in the Senate. I think we all feel an obligation to our Nation, to our Constitution but, equally, we feel an obligation to the Senate.

I have stood by for the last 4 years and watched consistently while the Republican majority has reduced the opportunity for Members of the Senate to express their point of view, reduced the opportunity to deliberate the great issues, reduced the opportunity for people to stand up and speak from the heart on the floor of the Senate. I don't believe that is consistent with the history or tradition of the Senate.

What we saw happen today I hope will be noted by the press and historians. Bringing up the controversial gun issue, the Republican leadership in the Senate decided to close down for the first time in 16 years the opportunity of any Senator, Democrat or Republican, to offer a sense-of-the-Senate resolution to an appropriations bill. They have limited, once again, the opportunity for Senators of both parties to debate. I don't believe that is in the best interest of the Senate nor is it in the best interest of the country.

It is clear evidence that this issue of gun safety, an issue which touches the hearts of so many families across America, is one that must be debated and resolved on the floor of the Senate. Instead, every obstacle possible is thrown in our path.

What we are asking for is simply this: Bring the conference report out; let Members vote on it. If we pass it, send it to the President; if we don't, take it to the people in an election. That is what this business is about.

Senator KENNEDY, who has served for over 30 years in this body, has one of the most important pieces of legislation in his control on the Democratic side, our education bill. He is asking for a chance to debate some important amendments, some controversial amendments, bring it forward and pass it, as every Congress has done, decade after decade. And he is stopped, week after week, by the Republican majority which refuses to consider amendments they find unpopular.

I understand as a Member of the Senate I will have to vote for and against unpopular issues. That is the nature of this job. I understand, as well, that we are sent here to deliberate these issues.

I close, saying I am sorry that the majority leader felt some of the comments made earlier were personal in nature. They were not. Though I disagree with him on so many issues, I do respect him. I hope he will pause and reflect on the future of this institution and believe that beyond the issue of gun control, we all have an obligation on both sides of the aisle to preserve the history and tradition of the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, today for the second time in a month, the Senate of the United States has gone on record supporting sensible gun safety legislation. It has gone on record to say that we should close the gun show loophole; that we should ban the importation of large capacity ammunition clips; that we should require the use of child safety locks; that we should prohibit the possession of assault weapons by juveniles.

This body could not be clearer on where it stands when it comes down to the issues. What is confusing is the fact that we are unable to reach these issues in a substantive, decisive way because the legislation is not on this floor but bottled up in a conference committee.

We are responding to many things. Most recently, we were responding to hundreds of thousands of American men and women who came to this capital to ask their Senators to act. How do we act? We do it by debate and by voting. That is what we did this afternoon. It is difficult, sometimes, to achieve a vote because of the procedures of the Senate, but in consequence of that, there has always been the presumption that debate should be free ranging, should be open, and should be easy to obtain.

Today, we should celebrate not only the victory—again, within a month—of what I think is reason over unreason, of sensible safety when it comes to guns, over a fascination with the proliferation of weapons in society, but we all should celebrate the fact that finally and ultimately we have gotten a chance to speak about this issue, speak for the hundreds of thousands of mothers who came last weekend to Washington to ask us to live up to our oaths and our duty and to protect their children and all Americans by enacting sensible gun safety legislation.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I have 1 minute. I hope I am not too succinct.

The bottom line is simple: Why, for the first time in 16 years, are sense-of-the-Senate resolutions being refused? Because the other side does not want to vote on guns.

Why, for the first time, is ESEA not being debated fully? Because the other side doesn't want to vote on guns.

Guns is the issue—not the efficiency of the Senate.

I think it is a shame. Eighty percent of the American people want commonsense gun legislation. The Republican majority is afraid to vote on it and instead twists the rules, the procedures, and the beauty of this body in a knot because they do not want to vote on guns.

The issue is not about moving the Senate efficiently; the issue is the fear of voting on guns, plain and simple. I regret the inability of the other side to have the courage of their convictions to vote the way they feel and let our side vote the way we feel.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BURNS. Mr. President, did we have 3 minutes in that wrapup?

The PRESIDING OFFICER. Four minutes. Approximately 4 minutes remain.

Mr. BURNS. Mr. President, I want to take a moment and tell my good friends, especially the Senator from New York who has left the floor, make no mistake, I am proud of my vote. Make no mistake about that because I love this Constitution. We should not be out here arguing about something. We should all be working together, trying to get America working together so we can do something about this violence. This is what I said a while ago: It boils down to communities' and individuals' responsibilities. We can pass laws all day, make us all feel good and warm, but they are not going to work. They are not going to work. I feel bad about that.

I am proud of my vote today. Don't worry about me, that I did not have nerve enough to stand up here and vote my conscience. I voted my conscience.

By the way, Senator WARNER of Virginia will be handling our side of this debate, and Senator ROBERTS is here now.

The PRESIDING OFFICER. The Senator from Michigan is recognized for the purpose of offering an amendment.

AMENDMENT NO. 3154

(Purpose: To strike section 2410, relating to Kosovo)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senators MCCAIN, BIDEN, LUGAR, HAGEL, LIEBERMAN, SMITH of Oregon, ROBB, VOINOVICH, REED of

Rhode Island, MACK, LAUTENBERG, KERRY of Massachusetts, and DASCHLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. MCCAIN, Mr. LUGAR, Mr. BIDEN, Mr. HAGEL, Mr. LIEBERMAN, Mr. SMITH of Oregon, Mr. ROBB, Mr. VOINOVICH, Mr. REED, Mr. MACK, Mr. LAUTENBERG, Mr. KERRY, and Mr. DASCHLE, proposes an amendment No. 3154.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

The amendment is as follows:

Strike section 2410.

Mr. LEVIN. Mr. President, I yield myself 3 minutes, and then I am going to yield to the Senator from Delaware for 45 minutes.

Our amendment strikes language in the bill which requires ground troops be withdrawn from Kosovo by a fixed date next year unless Congress later changes its mind. Our amendment would strike language requiring withdrawal this year, unless the President certifies that certain specific contribution targets have been met by the Europeans.

We are attempting to strike this language for the pullout of our ground forces next year for many reasons. First and foremost, in my judgment, is that such a requirement will create a year or a year and a half of dangerous uncertainty and dangerous instability in the Balkans. Creating that year of uncertainty and instability is dangerous because it is inconsistent with what we have struggled so hard to achieve in the Balkans, which is stability in a relatively peaceful environment. Creating that uncertainty for a year or a year and a half would make us an unreliable partner in NATO.

I hope when we come to vote on this matter, we will take into account the words of General Wesley Clark, who was our commander there until a few weeks ago. He wrote a letter. I want to quote very briefly from that letter because it seems to me this captures what our problems are with this language that is in the bill. General Clark wrote:

These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitment and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

At the time that US military and diplomatic personnel are pressing other nations to fulfill and expand their committment of forces, capabilities and resources, an apparent congressionally mandated pull-out would undercut their leadership and all parallel diplomatic efforts.

He also wrote that these provisions will place U.S. forces on the ground at increased risk.

I ask unanimous consent the full letter from General Clark dated 11 May 2000 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 11, 2000.

DEAR SENATOR LEVIN: Thank you for your letter of 10 May and the opportunity to provide my personal views on the amendment adopted by the Senate Appropriations Committee governing the future of U.S. troops in Kosovo.

While I support efforts of the Congress and the Administration to encourage our allies to fulfill their commitments to the United Nations mission in Kosovo, I am opposed to the specific measures called for in the amendment. These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.

Regional stability and peace in the Balkans are very important interests of the United States. Our allies are already providing over 85 percent of the military forces and the funding for reconstruction efforts. US leadership in Kosovo, exercised through the Supreme Allied Commander, Europe, as well as our diplomatic offices, is a bargain. It is an effective 6:1 ratio of diplomatic throwweight to our investment. We cannot do significantly less. Our allies would see this as a unilateral, adverse move that splits fifty years of shared burdens, shared risks, and shared benefits in NATO.

This action will also undermine specific plans and commitments made within the Alliance. At the time that US military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and all parallel diplomatic efforts.

All over Europe, nations are looking to the United States. We are their inspiration, their model, and their hope for the future. Small nations, weary of oppression, ravaged by a century of war, looking to the future, look to us. The promise of NATO enlargement, led by the United States, is the promise of the expansion of the sphere of peace and stability from Western Europe eastward. This powerful, stabilizing force would be undercut by this legislation, which would be perceived to significantly curtail US commitment and influence in Europe.

Setting a specific deadline for US pull-out would signal to the Albanians the limits of the international security guarantees providing for their protection. This, in turn, would give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. The more radical elements of the Albanian population in Kosovo would be encouraged to increase the level of violence directed against the Serb minority, thereby increasing instability as well as placing US forces on the ground at increased risk. Mr. Milosevic, in anticipation of the pullout and ultimate breakup of KFOR, would likely encourage civil disturbances and authorize the increased infiltration of para-military forces to raise the level of violence. He would also take other actions aimed at preparing the way for Serbian military and police reoccupation of the province.

Our servicemen and women, and their families, have made great sacrifices in bringing peace and stability to the Balkans. This amendment introduces uncertainty in the planning and funding of the Kosovo mission. This uncertainly will undermine our service members' confidence in our resolve and may call into question the sacrifices we have asked of them and their families. A US withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield.

In all of our activities in NATO, the appropriate distribution of burdens and risk remains a longstanding and legitimate issue among the nations. Increased European burden sharing is an imperative in Europe as well as the United States. European nations are endeavoring to meet this challenge in Kosovo, and in the whole KFOR and UNMIK constitute a burdensharing success story, even as we encourage Europeans to do even more. The United States must continue to act in our own best interests. This legislation, if enacted, would see its worthy intent generating consequences adverse to some of our most fundamental security interests.

Thank you again for your support of our servicemen and women.

Very respectfully,

WESLEY K. CLARK,
General, U.S. Army.

Mr. LEVIN. Mr. President, the issue is not whether Congress has the power to force withdrawal of ground forces. We have that power. We should have that power. We should defend that power. And we have exercised that power, recently in Haiti and Somalia before that. We have exercised that power to pull out ground forces when the power has contributed to U.S. security. So the issue is not whether we have the power to act in the way the Appropriations Committee proposes. The question is whether or not it is a wise exercise of congressional power to set a deadline for a pullout in Kosovo, thereby creating a year or two of dangerous uncertainty which would result in increased risks to our troops and to our interests.

It is not the power of Congress that is at issue; it is the wisdom of exercising that power in the way proposed under these circumstances which we will be debating today and tomorrow.

I ask that Senator COCHRAN of Mississippi be added as a cosponsor of our amendment, and I will now yield to my friend from Delaware for 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent, immediately following Senator BIDEN, I be recognized for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I reserve this right because I have to go to a function tonight and I would like to get 15 minutes in before I go. I am supposed to be there at 6 o'clock.

Mr. ROBERTS. If I might respond to the distinguished Senator, whose amendment I am supporting——

Mr. BYRD. Yes.

Mr. ROBERTS. I also have a commitment at 6:30.

Mr. BYRD. I knew that already.

Mr. ROBERTS. It seems we have a lot of commitments here. Obviously, I will yield to the sponsor of the amendment and the author of the amendment. I commend him for the amendment. But that will mean if the Senator from Delaware were looking at probably a quarter to 6, and then the Senator from West Virginia would take how much time?

Mr. BYRD. Ten minutes, 15.

Mr. ROBERTS. I will rephrase my unanimous consent request to be recognized following the distinguished Senator from West Virginia for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Mr. President, may I follow these two Senators for a period of 20 minutes?

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I surely won't, but since we are lining up speakers, I will then ask to be recognized after Senator HOLLINGS for 30 minutes.

Mr. WARNER. Mr. President, might I be acquainted—I am sorry, I just had to step off the floor for a minute. Will the Chair kindly repeat the unanimous consent request at the moment? I believe I am going to try to manage this.

The PRESIDING OFFICER. Senator BIDEN will be recognized for 45 minutes, followed by the Senator from West Virginia for 15 minutes, followed by Senator ROBERTS for 20 minutes, Senator HOLLINGS for 20 minutes, and Senator LEVIN for 30 minutes.

Mr. WARNER. Mr. President, might I add, I then follow my distinguished colleague and ranking member for 30 minutes?

Mr. REID. Mr. President, reserving the right to object, so there is no problem, I think it appropriate that each of these parties who are asking to have time yielded to them indicate where their time is coming from. Senator LEVIN controls 5 hours, Senator WARNER controls 5 hours. Just so there is no problem tomorrow, we should determine whose time is being yielded.

It is my understanding the time Senator LEVIN has used has been his own time, Senator BIDEN's is his own time, Senator BYRD is off that of Senator WARNER, as is Senator ROBERTS and as is Senator HOLLINGS.

Mr. WARNER. The Senator is correct.

Mr. LEVIN. Mr. President, the time of Senator BIDEN is off our 5 hours.

The PRESIDING OFFICER. That is the understanding of the Chair. Is there an objection to the unanimous consent request?

Mr. WARNER. None, Mr. President, but I want to inform the Senate as a part of this colloquy that it is the distinguished majority leader's will we do at least 4-plus hours tonight. I will remain, of course, for that purpose. I do hope other Senators will indicate their availability so we can use that time properly. I believe this is one of the most important and interesting debates on a foreign policy issue we have had in the Senate this year.

The PRESIDING OFFICER. Without objection, it is so ordered. The request is agreed to.

Mr. WARNER. Mr. President, will the Senator allow me to speak for 1½ minutes?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend Congressman JOHN KASICH. The House voted 264–153 to adopt the provision which I drafted and then gave to Congressman KASICH, which is approximately one-half of the matter we are now debating.

In other words, the House has already acted on one-half of the provision we are debating, and it voted in favor of it 264–153.

Mr. President, I ask unanimous consent to print the House amendment in today's RECORD for the availability of Members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT TO H.R. 4205, AS REPORTED, OFFERED BY MR. KASICH OF OHIO

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. ACTIVITIES IN KOSOVO.

(a) CONTINGENT REQUIRED WITHDRAWAL OF FORCES FROM KOSOVO.—If the President does not submit to Congress a certification under subsection (c) and a report under subsection (d) before April 1, 2001, then, effective on April 1, 2001, funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended for the continued deployment of United States ground combat forces in Kosovo. Such funds shall be available with respect to Kosovo only for the purpose of conducting a safe, orderly, and phased withdrawal of United States ground combat forces from Kosovo, and no other amounts appropriated for the Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States ground combat forces in Kosovo. In that case, the President shall submit to Congress, not later than April 30, 2001, a report on the plan for the withdrawal.

(b) WAIVER AUTHORITY.—(1) The President may waive the provisions of subsection (a) for a period or periods of up to 90 days each in the event that—

(A) United States Armed Forces are involved in hostilities in Kosovo or imminent involvement by United States Armed forces in hostilities in Kosovo is clearly indicated by the circumstances; or

(B) the North Atlantic Treaty Organization, acting through the Supreme Allied Commander, Europe, requests emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

(2) The authority in paragraph (1) may not be exercised more than twice unless Congress by law specifically authorizes the additional exercise of that authority.

(c) CERTIFICATION.—Whenever the President determines that the Kosovo burdensharing goals set forth in paragraph (2) have been achieved, the President shall certify in writing to Congress that those goals have been achieved.

(2) The Kosovo burdensharing goals referred to in paragraph (1) are that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(A) obligated or contracted for at least 50 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(B) obligated or contracted for at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(C) provided at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(D) deployed at least 90 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(d) REPORT ON COMMITMENTS AND PLEDGES BY OTHER NATIONS AND ORGANIZATIONS.—The President shall submit to Congress a report containing detailed information on—

(1) the commitments and pledges made by the European Commission, each of the member nations of the European Union, and each of the European member nations of the North Atlantic Treaty Organization for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(2) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(3) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(e) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to my friend from Virginia, we would be 50 percent better off if we adopted the House position than the Senate position. The House position is only half as bad as the Senate position. The House position adopted today says there must be an accounting, as I understand it. The House requires that we pay our fair share, and that unless NATO meets their aid commitments, then troops would be withdrawn.

This amendment goes a lot further than that. The real damage of the Byrd-Warner amendment, in my view, is that it does something that I cannot imagine any military man wanting to do. It says that what we are going to do is announce today, tomorrow, the next day—whenever we finally vote on it—if it prevails, we are going to announce

that in the summer of 2001 we are out of there, unless we affirmatively vote to stay.

I find this absolutely intriguing. We had a very spirited debate about whether to get involved in Kosovo at all. I do not remember a single, solitary person during that debate who really wanted to be involved. I suspect—as my friend from South Carolina always reminded me—there was no one more vocal about our need to make that effort than me. He would come to the floor —and I consider him one of my closest friends, not only my closest Senate friend—he would say: How is the Biden war going today?

I felt strongly it was the right thing for the United States to do. I do not remember any time during that debate—and I believe I participated in every piece of that debate—when anybody said there was any reasonable prospect there would be no American forces in Kosovo 1 year or 2 years or even 3 years from now. We had just gone through this, in my view, very wrongheaded debate about setting a time certain for troops to be withdrawn from Bosnia. We did that once already, and we finally figured out it made no sense to set a time certain to withdraw troops in Bosnia, and here we are again.

Let's peel back the first layer of this onion. We have a very legitimate, fundamental, serious disagreement among many of us on this floor, crossing party lines. I do not know anybody stronger against this amendment than the Presiding Officer. He is a Republican. And I do not know anybody stronger for the amendment than Senator BYRD, a Democrat. This division crosses party lines.

It boils down to something very basic, it seems to me, and that is, when every Senator asks himself or herself the following question, they will know how they should vote.

The question is, Does the United States have a significant interest in peace and stability in the Balkans? If it does not, then my colleagues should vote for Byrd-Warner. I respect that view. I respect the view of those who say it is not a critical U.S. interest, a vital U.S. interest, a significant U.S. interest, or it is Europe's problem. I respect that. I think they are dead wrong, but I respect their view.

What I find fascinating, though, is I do not know how anyone can intellectually reach the following conclusion; that it is in our vital interest to see to it there is peace and stability in that part of Europe, but we should announce now that we are out unless we affirmatively vote we are in. I do not get that.

My mom had an expression—it is not original to her. She said: JOEY, the road to hell is paved with good intentions.

We are paving a road to hell with this amendment. What we are doing with this amendment is saying to Slobodan Milosevic, unintentionally, but the effect is: Hang on, baby, we do not have the will to stay.

Let me ask another question rhetorically: We have 5,600 troops there. Thank God, none are being shot at. Thank God, no one has been killed. Thank God, there is peace. Thank God, they are doing their job. Thank God, there is no immediate jeopardy from an outside invading army, et cetera. Does anybody believe that if we withdraw our forces from Kosovo the Europeans will get it right? Does anybody here believe that the Europeans will say: OK, the United States is gone; no worry, we're going to take care of this matter; not a problem.

We can all sit here and say: The GDP of Europe is bigger than ours. Europe should be mature enough to be able to handle this. They don't need us. It is their backyard.

That is all well and good to say, but does anybody believe it? In a different context, Thomas Jefferson said: If a nation wishes to be both ignorant and free, it wishes for something that never was and never can be. If anybody believes there can be stability in Europe without stability in the Balkans, they are wishing for something that never was and never can be. Never in our history has it been that way.

So let's cut right to the quick. You have to be able to say the following, it seems to me, to be for Warner-Byrd, Byrd-Warner: stability in the Balkans is not important for stability in the rest of Europe; or it is important, but I believe the Europeans can handle it by themselves.

If you can conclude either of those two to be true, then have at it. But if you conclude, as Barry Goldwater used to say—and I did serve with him—in your heart you know that not to be true, then you better not vote for this amendment or you better vote to strike this amendment.

What are the likely consequences of adoption of this amendment? I will get back to some of the details about the amendment and the requirements imposed upon the administration to be able to certify that the Europeans are doing their part. I will state right now the Europeans are doing their part. We have battered them up and about the head—no one more than this Senator—to do their part.

The President will have to certify, though, on a very different standard. By the way, the reason my friends want to amend this is so it can be even remotely possible that the President would be able to certify that the Europeans are doing their part.

But regarding individual countries, the European Commission is in the process of collecting data from the 15 member states in the European Council, each of which has unique budgeting procedures in fiscal years. We are utilizing the United Nations. As we already see in the aggregate, our European partners are providing a vast majority of the assistance to Kosovo.

If we look at the troop strength, our NATO allies have 40,000 troops on the ground in Kosovo; we have 5,600. That is, the United States is providing about 13 percent of the KFOR troop strength.

If we look at UNMIK—I hate these acronyms—but UNMIK's consolidated budget—that is the U.N. piece here—the Europeans, and others, are right now funding 87 percent of that entire budget. Our part, again, compromises only 13 percent of the total.

So the benchmark laid out in the legislation has already been met.

How about international police? There are civilian police officers sent from the U.N. member states all over the world, who are to relieve KFOR troops of the nonmilitary law and order function in Kosovo. That is the plan. We all support it. Fully 88 percent of the pledges for civilian police for Kosovo have come from outside the United States of America. And 87 percent of all the police officers pledged have already been deployed.

Let's look at the so-called reconstruction funding concerning Europe's financial contributions to the reconstruction of Kosovo. Section 2410 of the Byrd-Warner amendment focuses on the speed with which it delivers that assistance.

When the United States commits funding for large-scale reconstruction initiatives, sometimes the United States itself does not hit the benchmark set here—33 percent obligated or contracted for a year or two.

Let's look at the humanitarian relief. In the spring of this year, the United Nations High Commission for Refugees announced that the humanitarian disaster in Kosovo had been averted. The much feared winter had come and gone. It was time for the international community to switch from a relief role to a reconstruction role.

Nonetheless, Senator WARNER's legislation, in section 2410, insists that Europeans continue to funnel money into humanitarian relief when the need no longer is pressing. This is what I might call counterproductive micromanagement from thousands of miles away.

The United States is not paying a disproportionate price in the international effort to secure peace in Kosovo—not in terms of the number of peacekeeping troops, not in terms of the number of civilian police, not in terms of the reconstruction and humanitarian aid.

Section 2410 is also inconsistent. It really is saying to the Europeans: Heads I win; tails you lose, Europeans. We set these benchmarks. We tell them they have to meet the benchmarks. They are meeting the benchmarks. Then we tell them: By the way, while you're meeting those benchmarks—and you do that first—we are not committing to stay anyway. As a matter of fact, we're out of there. We're out of there. We tell you now, ahead of time, hey, Europe, we're out in July 2001, unless we affirmatively change our mind and stay in.

That really is persuasive, isn't it? What do you think it would be the other way around if Europe said: I tell

you what, United States, you put up 87 percent of this endeavor we're going to get involved in. Once you put it up, we are going to tell you that we're not in anyway, unless we change our mind a year and a half from now.

Let me ask you a rhetorical question: If you are sitting in Europe—and in the mood that exists in the United States today, in a country that has turned down the Comprehensive Test Ban Treaty, where the debate is about whether or not we should be involved in Africa, whether we should be involved in anything that comes up internationally—and you hear that the Senate—and hopefully not the Congress as well—passes a law that says we are affirmatively out in 1 year and 3 months, unless we change our minds and affirmatively vote to stay; what do you think that communicates to Europe? What do you think they are going to think in Berlin, in Paris, in London, in Lisbon, et cetera?

Do you think they are going to say: Oh, I tell you what: that is just the way their Constitution operates. That is just how they do that?

I chaired the Judiciary Committee for years. I have made it my business to try to understand and—most dangerously—actually teach constitutional law and the separation of powers issues, and particularly the war clause. I take a back seat to no one, including my distinguished friend, Senator BYRD, in paying attention to the congressional prerogatives that exist when it comes to the notion of what constitutionally is permissible for a President to do and what our constitutional responsibility is.

The truth of the matter is, Congress has the power to authorize deployment to Kosovo or to set limits on deployment. Congress could, as the Byrd-Warner amendment clearly contemplates, cut off funds or circumscribe the missions of the troops. But merely because the Congress has the power to do that does not mean it is wise to exercise that power or that it has the obligation to do that under the Constitution.

I would have no objection to a resolution authorizing the deployment of U.S. forces or a resolution today saying: Withdraw now. Withdraw now. At least that would end the uncertainty. It would end the fact that you would have our troops and 40,000 other troops in Kosovo somewhere other than in limbo wondering whether we are going to stay or not stay, wondering what our predisposition is likely to be.

I do not believe we should put our troops or our allies under the sword of Damocles with the threat of a funding cutoff that implies the United States is abandoning its friends and allies in Europe now. The fact is, no one is being shot at now, our troops are not being shot at. We are not in a state of war now.

There is no outside army. There are a bunch of thugs wandering the countryside who have the possibility of doing harm to our forces and others. This is as close as you are going to get to a legal definition of a police action as you are ever going to have. This is not a circumstance requiring the United States—beyond what was already done in voting for the airstrikes and the use of force—to have Congressional consent beyond what it already has. As one of our colleagues said in the caucus, I didn't hear anybody in 1973 when I was here, or in 1977, or in 1985, or in 1997, or in 2000, call for continued authority, an affirmative vote to continue to maintain 100,000 troops in Europe.

With regard to the argument that we are stretched too thin and can't afford to have 5,600 forces in Kosovo for an extended period of time, well, if we can't afford that, how are we able to afford to have 100,000 troops in Europe? I want to know that one. I don't quite get that. I don't quite get how we can afford to have 100,000 troops in Europe, stationed in Germany and elsewhere, where they are not keeping anything except our political flag raised high—and I think that is important—but we can't afford 5,600 troops in Kosovo. If my memory serves me—and I have been here longer than one of the other three Members on the Senate floor. The only person I have been here longer than is Senator WARNER, but he has more experience. The other two Members I haven't been here longer than. I don't ever recall, since I have been here, having less than a minimum of 100,000 in Europe, and as many as 350,000. I don't remember that. But now we have this dire, urgent need to withdraw 5,600 forces from Kosovo.

Now, my friend from Virginia and my friend from North Carolina, as well as the Senator from West Virginia—but he is on Appropriations—these other two fellows spend a lot of time on the military side of the equation, and Armed Services in particular. If I am not mistaken, we spent some time in Europe fretting over what the Europeans mean by ESDI, European Security and Defense Initiative. That is something the French have been pushing a long time. They don't like the fact we are a European power. They don't like that idea. So they got this idea they were going to have this independent force—an independent force, separate from NATO. We got them to cool their jets a little bit and say what this really means is they get all that independent force with no Americans. That independent force would only be engaged in missions NATO first refused to be engaged in. But everybody knows that it is a harbinger for diminishing the power and the political efficacy of NATO.

I want to ask a rhetorical question. You know, in those movies when Clint Eastwood said, ''Go ahead, make my day''—we are about to make their day for the French. We are about to make France's day. Can you hear the discussion now if we vote this amendment: I told you the United States is not reliable. I told you we need our own European defense system. I told you about NATO. Can't you hear it? Maybe I have been to too many conferences with my French friends. Can anybody stand up and say that if we pass this amendment, we are not making it exponentially more difficult for us to deal with ESDI? Come on. Come on. Does anybody think that?

By the way, some of our friends—and they are obviously extremely bright, competent Senators who truly—and I am not speaking of anybody on the floor—believe NATO's day is past and it no longer has any utility, and that we should disengage. In fact, the fellow I ran against a while ago for the Senate came to call me the ''Senator from Europe'' because I supported NATO. I thought it was very important that we stay involved in NATO. I respect the view. I disagree with it, but I respect the view.

But those of you who say you think NATO is important, I respectfully suggest to you that if Byrd-Warner becomes the law, we will have done more in two small paragraphs to damage the coherence of NATO than anything we have done since 1950. I truly believe that. I absolutely truly believe that. Obviously, I may be wrong, but I honest to goodness believe that.

Right now there are reports coming out of Serbia. By the way, before I say that, I came here at a time when the Vietnam war was in its final painful throes, in 1973. I used to resent it when people would say, when I opposed the war, that we were giving comfort to Ho Chi Minh. I am not suggesting anybody is intentionally or unintentionally giving anybody comfort. I want to state what I think to be the fact. Milosevic is tightening his grip now in Serbia, cutting off the alternative press available to the Serbs, cracking down on it—for example, last night, his goons occupied a station, Studio B2–92, and padlocked the doors of the other independent outlets and media offices and shut them down. An opposition leader declared the Milosevic government had imposed an informal state of emergency.

Now, why do you think he is doing that? I think he is doing that because he is desperate, because the hourglass is filling up from the bottom. He knows he doesn't have much time left. One of the reasons why he has reacted the way we wanted him to every time—that is, by backing off—is he has been convinced of our resolve. I suggest that the reason he finally capitulated at the end of that war is we started to move forces in place for deployment in Macedonia. He wasn't sure if we were going to invade and use land troops. I think most who studied that would acknowledge that is an overwhelming possibility. Now what does he do? Here he is in his last gasp, and we have gone on record saying we will pull out of Kosovo by midsummer next year. We affirmatively state that—not that we will have to have a vote next summer, or that we should consider it, but that we are out—unless we vote to stay in.

Now, say you are an opposition leader in Serbia; or you are sitting in Montenegro, which Milosevic has been leering at for the past 9 months; does that embolden you? My European colleagues will not like what I am about to say. But I have traveled the Balkan region on seven occasions. I met with every President of every frontline state, as many of us have. Does anybody know any leader in that region who is willing to place his fate in the hands of the Europeans? Can you name me one—a single solitary person who is in opposition to Milosevic, any democrat from Romania to Albania, from Bulgaria to Montenegro, who is willing?

Would I tell them: The United States is out, but don't worry, you have the French and the Germans to rely on; don't worry, they will be there? Can anybody stand up on this floor and say that you know a single leader who would say that?

I know there are certain things you shouldn't say. That is one, apparently. I will be reminded of this by my French friends and my British friends and others. But I think we have to be realistic. Everybody knows that if we are out, the game is up. That may not be fair. We shouldn't have to carry that much of a load, maybe. But they are the facts of life, and they are the facts of history.

Does anybody here believe Europe has achieved political maturation where they are going to solve their problems without the catalyst of the United States? What have we said all along? We have said: Look, as long as we are not carrying a disproportionate share, we are involved.

I remember going in to see the President when he made his speech about us being involved. He said we should not be responsible for any more than 15 percent of whatever reconstruction, peace, stability, et cetera, in that region requires. We are about 13 percent to 17 percent.

That was kind of the deal we thought we were brokering here. Sure. We provided 85 percent of the air power and 90 percent of leadership.

With this amendment, we would still require a NATO commander heading up the entire operation in Kosovo to be an American while we had no American troops there. I want to be there for that discussion.

I want to be there when we withdraw all American forces from Kosovo and then we tell our European allies abruptly: By the way, we are still in charge. We are the guys. Our general is an American general. He is in charge. He is in charge of NATO in Europe. That is where NATO is. He is in charge. That is a good one. I like that one. That will really help cohesion in NATO.

Heck, we are trying to convince the French that they had better buy an aircraft carrier before they take over the fleet in the Mediterranean. That is a big fight we are now having. The French say: We want a French admiral.

I got in trouble with the French when I said: OK, it is fine by me, if you buy some more ships. They didn't like that.

Can you imagine the argument now with a NATO operation in Kosovo led by an American general with no American troops?

Colleagues, this is not a well conceived plan unless, I respectfully suggest, unless you conclude that NATO is not vital to our interests any longer; unless you conclude that having a beefed up European defense initiative a la the French plan for the last 15 years is a good idea for the United States of America; unless you believe the Europeans can maintain stability in the Balkans, or that stability in the Balkans is not important for stability in Europe.

If you draw those conclusions, this makes sense. But if you say you think NATO is vital for American interests, if you say stability in Europe depends at least in some part upon stability in the Balkans and southern Europe, if you say you want an American in command of NATO forces when we have 100,000 left in Europe, then I don't know how you can reach this conclusion.

That is why I say here what I said at the White House when all of my friends who are sitting here, with one exception, were at that meeting 3 months ago, along with the Secretary of Defense, the Secretary of State, the National Security Advisor, and the National Security Advisor's team. I will say it again. This is about what you believe is important.

I ask again a rhetorical question. Can anyone paint a picture for me that looks like this: That 5 years from now there is not a reignition of a great ethnic cleansing in the Balkans, that there is increasing stability in economic growth in the region, and that there is becoming an integration of that part of Europe into the rest of Europe—without the United States of America having some portion of the total force structure of NATO being present? Can anybody paint that picture for me?

I will be overwhelmingly delighted if my colleagues prevail and I am wrong, because my fervent hope is, if Senator LEVIN and I and others do not succeed in striking this language, everything I said is misinformed. That would be my fervent hope and prayer, because I think this has certain-disaster written all over it. I think this is one of the most serious mistakes we can make.

Mr. WARNER. Mr. President, will the Senator yield for a question? I yield on my time.

Mr. BIDEN. I am delighted to yield to the Senator.

Mr. WARNER. I have listened very carefully. By the way, it was the Biden-Warner amendment back in the intense part of that air operation which prevailed.

Mr. BIDEN. That is correct. I acknowledge that.

Mr. WARNER. How interesting it is that two good friends and two colleagues can be on opposite side of an issue at this point in time. Circumstances have changed.

I draw the Senator's attention to page 565 of the bill where it says:

> Except as provided in paragraph (B), absent specific statutory authorization . . . the President may waive the limitation in paragraph (1)(B) for a period . . . of up to 90 days each in the event that—
>
> . . . the Armed Forces are involved in hostilities in Kosovo or that imminent involvement by the Armed Forces in hostilities in Kosovo is clearly indicated;
>
> (ii) NATO, acting through the Supreme Allied Commander —

The very person the Senator from Delaware pointed to remaining in charge—

> in Europe, requests the emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

There it is. The President, seeing the actions that the Senator just pointed out, can dispatch the American troops. They can come out of that cadre of over 100,000, or thereabouts, in NATO and go right into this action.

The Senator says the 85 percent that are there now from some 32 nations are of little consequence if a portion of the U.S. forces—namely, the ground combat troops—are withdrawn and we leave the other support troops and the other types of troops there.

This is not an American cut and run. This is not an American pullout. Here is the authority for the President to step in in the types of contingencies the Senator pointed out.

If I might pose a rhetorical question, does the Senator think the case is so weak for the Balkans that the next President of the United States cannot come to the Congress and make the case for the Congress to have the troops stay after July 1?

Mr. BIDEN. No.

Mr. WARNER. I, frankly, would vote for it, if the next President were to come and ask for that and made a strong case.

I really think the sky is not falling in, I say to my distinguished friend. We have carefully provided in this piece of legislation contingencies for any such action that would jeopardize our remaining troops and/or the other nations that will come and pick up the modest numbers of combat troops.

I thank the Senator.

Mr. BIDEN. Mr. President, I will respond.

What the Senator has written in the legislation I would characterize as having tried to do something after the horse is out of the barn.

Here is the deal. I am not suggesting there will be any hostilities before the U.S. forces leave. I am not suggesting there will be hostilities as the U.S. forces leave. If I were Milosevic, the KLA, or anybody else, I would have garlands and roses strewn along the road as they were on their way out. I would be throwing them bouquets. I would be giving them chocolates and

cigarettes as they left. I would not do a thing. I would wait until they were gone. That is No. 1.

No. 2, when they go, I predict to you that you will see in the councils of Europe an overwhelming discussion about whether or not the Europeans will stay, and in what numbers.

At that point, if there is hostility, if Mr. Milosevic moves on Mitrovica to annex the top of the state, or if there is a movement in Montenegro to topple the Government, is the Senator saying to me that automatically authorizes the President of the United States to send whatever forces he wishes back in?

Mr. WARNER. That is what the amendment requires. In other words, if there is a need, the President has the waiver authority.

Mr. BIDEN. Then the Senator is saying there is no damage or war, there is no American being killed now, but we are going to pull the Americans out; but if there is war and carnage, again we will put them back in?

Mr. WARNER. That power is given to the President of the United States.

Mr. BIDEN. Mr. President, I see my distinguished colleague, Senator BYRD, on the floor. I ask Senator BYRD a question, if he is willing.

Is it his understanding that if we withdraw these forces and war erupts again in Kosovo, the President needs no Congressional authorization and he is preauthorized to use whatever force is necessary to bring peace and stability back to Kosovo? Is that the Senator's understanding?

Mr. WARNER. I can answer in the affirmative to the Senator's question.

Mr. BIDEN. I understand the Senator from Virginia thinks that. I wonder whether the Senator from West Virginia thinks that.

Mr. BYRD. Mr. President, I am hoping to be able to leave the Senate after making a 15-minute speech of my own.

Mr. BIDEN. I withdraw the question.

Mr. BYRD. I think I stated that earlier.

May I say to the distinguished Senator, I will try to answer his question. First, I say to the Senator, if he will yield, he has framed it this way: We are out unless we vote to stay in; come next—we hope to make that October 1 in conference; in the bill, it is announced July 1, 2001. We will not let the Senate frame it that way: ''We are out unless we vote to stay in.'' This bill does not say that. This amendment does not say that.

The Senator from Delaware, I say most respectfully, is leaving out one very important factor, that being the President of the United States, whoever he may be next October. The opponents of my amendment depend heavily upon the ''Commander in Chief.'' Well, there will be a Commander in Chief at that time, and that Commander in Chief, unless he makes a case, unless he asks to be authorized to continue to deploy American ground troops after that date, and unless Congress then votes to authorize, then they would leave.

But the Senator says, ''We are out unless we vote to stay in.'' That is not the case. There is going to be a President there asking. I assume, if he believes we ought to continue to deploy troops after that date, he will be up here asking. He will be requesting them. And then Congress will vote to authorize or not to authorize. It is not that simple, ''We are out unless we vote to stay in.''

Mr. BIDEN. If I may respond, unless I misunderstand still, that is a distinction with little difference. If I understand the way the legislation reads, the President will submit a report to Congress saying, I want to stay.

Mr. BYRD. Yes, that is what the Senator is leaving out.

Mr. BIDEN. Once the President does that, then in order for the troops to stay, both the House and the Senate have to affirmatively vote to have them stay; correct?

Mr. BYRD. That is correct, but that is the other half I am trying to get into the RECORD.

I thank the Senator.

Mr. BIDEN. May I ask, if the Senate and House refuse to act one way or another, what happens?

Mr. BYRD. Of course, if they do—the Senator is assuming something I will not assume.

Mr. BIDEN. I am asking for clarification.

Mr. BYRD. I am answering the Senator. The Senator is assuming something I don't assume.

Mr. BIDEN. With all due respect, I am not assuming a thing. Assumption is the mother of all screwups.

Mr. BYRD. The Senator says, if thus and such.

Mr. BIDEN. That is not an assumption. An assumption is if I said ''when the Senate fails to act.'' I did not say that. I said ''if'' the Senate fails to act. It is a question, not an assumption.

Now, if the Senate fails to act—does not vote one way or another—are the troops allowed to stay, or must they come home?

Mr. BYRD. That is half the picture.

Mr. BIDEN. I got that, Mr. President.

Let me rephrase it. The President of the United States, President GORE or President Bush, and whatever operative date it ends up being, October or July, sends a report to the Congress and says: I wish the 5,600 troops to remain in Kosovo.

That is the first part. He has done that. He says: I want them to stay.

What happens if the Senate says: We are not even going to vote on it? Can the troops stay?

Mr. BYRD. I assume the Senate would certainly debate that.

Mr. BIDEN. That is not my question, with all due respect.

Mr. BYRD. With all due respect, if we are going to limit half the question, we are not really dealing with the situation. Let me answer the Senator. If the Congress refuses to authorize, of course they are going to come out.

But let us not assume that and let us not forget that the Commander in Chief will be making an effort to justify the continued deployment of those troops.

Mr. BIDEN. I thank the Senator.

Let me rephrase my assertion. The Congress, as of whatever the operative date—and right now the operative date is in July 2001—the Congress does not vote to stay in Kosovo; then the troops must be withdrawn. Now, that is a distinction with a technical, legal difference.

What I respectfully suggest is, it will fall on deaf ears in every European capital. I respectfully suggest, if my friends think it is so dangerous or imprudent for us to be there now, if there is a constitutional requirement for us to have to vote on it, then why are we shirking the responsibility of not voting right now? Because if there is a constitutional responsibility, it is not delayed for a year. It either exists or it does not exist. If it exists, the obligation exists today to vote. And my friends want the next Congress to vote in the year 2001.

It is illogical to suggest, with all due respect, that there is a constitutional requirement for Congress to vote for these troops to stay but we don't have to do it for a year. The implication is, he doesn't have the authority now. So that takes care of the constitutional argument. There is obviously no serious constitutional argument, for if there were, we have to vote now, I assume, unless someone responds to the contrary that I am correct.

Look, folks, thank God that not a single American was killed in the entire war. Thank God, an American hasn't been killed yet, although it is possible. Thank God, there are not 800,000 people displaced and they are back in their homes. Thank God, the ethnic cleansing has stopped.

I ask the rhetorical question, if the Lord Almighty came down and sat in the well and said, ''I promise you all that, if you keep 5,600 troops in Kosovo for the next 10 years, there will be no carnage, there will be no death and destruction of American forces,'' would anybody here say that is too high a price to pay? Would anybody say that? Would anybody vote and say, Lord, no, we are stretched too thin?

I can pick an awful lot of places where I would like to take 5,600 troops out if we are stretched too thin other than Kosovo. Talk about a place where we are doing some good in what we are not allowing to happen! I think this is one heck of a gamble. The logic escapes me. I may be slow. I have not been here as long as some, but I have been here 28 years. I pay a lot of attention to this. I try my best. And the logic escapes me. If there is a constitutional requirement, it exists today. It exists tonight. It existed yesterday. It doesn't automatically click into effect in July of 2001. If we are stretched too thin, if that is the problem, let's pick 5,600 troops from a place where they are

serving a function, but none nearly as important as the one they are serving now. And if we expect to be and intend to be a major force in Europe and NATO, let's understand that it will not happen without our participation to the degree of 13 percent of the forces in Europe.

We asked the Europeans to do the lion's share after Milosevic yielded. They are doing the lion's share, on average over 80 percent and as high as 87 percent in the four categories. So if anybody thinks that does not make sense, let us vote now. Can anybody seriously say that the anxiety level, at a minimum, in European capitals, the anxiety level in the frontline states, the anxiety level for our troops, the anxiety level for the total military, is not somewhat heightened by the fact that it will require, no matter how we get to it, an affirmative vote of the Congress in July of next year to have those troops stay?

I will end where I began and reserve the remainder of my time, if I have any. I will end where I began. It seems to me this is a basic, legitimate debate on what is in the naked self-interest of the United States of America. It is a fundamental foreign policy debate. Do you think stability in the Balkans can be maintained without U.S. forces there? If you do not, do you think that stability in the Balkans is necessary for stability in the rest of Europe? If you do not, do you think the United States is negatively impacted by either outcome?

While I strongly support trying to move the supplemental funding needed by our military and the important military construction projects included in this bill, Section 2410 would do damage to Kosovo and to the United States of America, despite the best intentions of its authors.

Section 2410 is premised on an inaccurate understanding of the facts, and then gets worse, as it abdicates U.S. leadership of NATO and gives comfort to Slobodan Milosevic.

There are two aspects to Section 2410. The first would require a joint Congressional resolution authorizing continued deployment of American troops in KFOR after July 1, 2001.

The second aspect would require that the Europeans are meeting certain requirements for burdensharing in Kosovo. If the President could not make that certification by July 15, 2000, then thereafter funds would only be allowed to be used for withdrawal of U.S. forces from Kosovo, unless Congress authorized their continued deployment by joint resolution.

If Congress failed to enact such a joint resolution, no funding could be obligated to continue the deployment of United States military personnel in Kosovo. In that case, the President would be required to submit to Congress, not later than August 15, 2000, a report on a plan for the withdrawal of United States military personnel from Kosovo.

Mr. President, the question of whether Congress must, as a constitutional matter, authorize the deployment of U.S. forces in the Kosovo peacekeeping mission is a close one.

I yield to no Senator in my defense of the constitutional powers of Congress on matters of war and peace. In my view, Congress has not only the power to declare war, but also to authorize all uses of force. I have consistently resisted arguments by Presidents—Democrats and Republicans alike—that the Commander-in-Chief power provides unfettered authority to use force against foreign countries.

In this circumstance, however, I would argue that Congressional authorization for the deployment of U.S. peacekeeping forces in Kosovo is unnecessary.

The deployment of peacekeepers, in a situation such as we now have, is not war, or even a use of force. It falls far short of both. Unlike the deployment of U.S. forces to Lebanon in the early 1980's, there is no significant threat of hostilities from a foreign army or from guerilla forces. Rather, the only threat to U.S. forces comes from a handful of lightly-armed thugs in both the Serbian and ethnic Albanian communities in Kosovo. In that sense, the deployment is truly a peacekeeping or police action.

Undoubtedly, Congress has the power to authorize the deployment to Kosovo—or to set limits on that deployment. Congress could, as the Byrd-Warner amendment clearly contemplates, cut off the funds, or circumscribe the mission of the troops. But merely because Congress has the power to do so, does not mean that it is wise to exercise that power in this circumstance, in this manner.

Mr. President, I would have no objection to a resolution authorizing the deployment of U.S. forces. Let us have that debate. But I do not believe we should do so under the Sword of Damocles, with the threat of a funding cutoff that implies the United States is abandoning its friends and allies in Europe.

Mr. President, as I mentioned earlier, the second aspect of Section 2410 would codify burdensharing with our allies.

The bill would decrease by twenty-five percent the aid contributions by the United States to Kosovo unless the President certified to the Congress that the European Commission, the member states of the European Union, and European members of NATO were meeting certain targets for assistance expenditures and provision of civilian police in Kosovo.

Specifically, the President would have to certify before July 15, 2000 that the Europeans have:

First, obligated or contracted at least thirty-three percent of the amount of the assistance that the aforementioned organizations and countries committed to provide for 1999 and 2000 for reconstruction in Kosovo;

Second, obligated or contracted for at least seventy-five percent of the amount of humanitarian assistance to which they committed for 1999 and 2000;

Third, provided at least seventy-five percent of the amount of assistance to which they committed for the Kosovo Consolidated Budget for 1999 and 2000; and

Fourth, deployed at least seventy-five percent of the number of police, including special police, which they pledged to the United Nations international police force for Kosovo.

Mr. President, because the United States carried the vast majority of the military burden in last year's air campaign against Yugoslavia, it is now the Europeans' turn to provide most of the peacekeepers and the reconstruction money to win the peace in Kosovo.

Our allies agree with this formulation. Furthermore, Mr. President, this is precisely what has already happened, and continues to happen.

Finally—after decades of criticizing and cajoling—we finally have before us an example of successful burden sharing in NATO and the United Nations.

What is the share of the burden that our NATO allies and other countries are currently bearing?

The European Commission has already responded to this proposed legislation by providing a considerable amount of data on assistance programs that it administers. These data show that the European Union meets or surpasses the criteria of the legislation.

Regarding individual countries, the European Commission is in the process of collecting data from the fifteen members states of the European Union, each of which has unique budgeting procedures and fiscal years.

Utilizing data from the United Nations, however, we can already see that, in the aggregate, our European partners are providing the majority of assistance to Kosovo.

If we look at troop strength, our NATO allies have 40,000 troops on the ground in Kosovo. We have 5,600. That is, the United States is providing only thirteen percent of KFOR's troop strength.

If we look at the UNMIK Consolidated Budget, the Europeans and others are right now funding about eighty-seven percent of that. Our part, again, comprises only thirteen percent of the total. So the benchmark laid out in Section 2410 has already been exceeded.

How about the International Police? They are civilian police officers, sent from U.N. member states all over the world, to relieve KFOR troops of non-military, law-and-order functions in Kosovo. That is the plan. We all support it.

Fully eighty-eight percent of the pledges for civilian police for Kosovo have come from outside the U.S., and eighty-seven percent of all police officers pledged have already been deployed.

Now let's look at Reconstruction Funding. Concerning Europe's financial contributions to the reconstruction of

Kosovo, Section 2410 focuses on the speed with which it delivers its assistance. When the United States commits funding for large-scale reconstruction initiatives, sometimes the U.S. itself does not hit the benchmark set here—thirty-three percent obligated or contracted—for a year or two.

Last, let's look at Humanitarian Relief. In the spring of this year, the United Nations High Commissioner for Refugees announced that humanitarian disaster in Kosovo had been averted. The much-feared winter had come and gone. It was time for the international community to switch from a relief role to a reconstruction role.

Nevertheless, Section 2410 insists that the Europeans continue to funnel money into humanitarian relief, when the need is no longer pressing. This is counterproductive micro-managing from thousands of miles away.

Mr. President, the United States is not paying a disproportionate price in the international effort to secure the peace in Kosovo—not in terms of the number of peacekeeping troops, not in terms of the number of civilian police, not in terms of reconstruction and humanitarian aid.

Mr. President, Section 2410 also is inconsistent. It is really a ''heads I win, tails you lose!'' for the Europeans.

The benchmarks in the first part of Section 2410 demand that the Europeans pay more and/or faster and supply the bulk of the troops and police in Kosovo. In the second part, though, the Congress mandates—irrespective of the Europeans' performance on the benchmarks—the enactment of a joint resolution to authorize the continued deployment of U.S. ground combat troops. The message to Europe boils down to this: pay first, and then we'll see.

Aside from these internal contradictions in the legislation, Section 2410 would do serious harm to our geopolitical interests, not only in the Balkans, but in all of Europe. If the mandated burdensharing could not be certified in every detail, the legislation would have one hundred percent of ground troops in Kosovo supplied by NATO allies and other non-American powers, leaving our contribution at zero with one exception: KFOR would remain under the ultimate control of the Supreme Allied Commander Europe, U.S. General Joseph Ralston. That would be quite a deal for us, but one which I doubt that our allies would support for long.

We all know that there are elements in NATO who argue for the need for Europe to have its own ''army,'' independent of NATO. To date, the outline of the European Security and Defense Policy, or ESDP as it is called, has conformed to our wishes. It would only go into action if the alliance as a whole chose not to be involved.

If the U.S. Congress were to compel the President of the United States to unilaterally withdraw all U.S. combat troops from the NATO force in Kosovo, you can rest assured that the Europeans would get the message that the ESDP is the wave of the future, not NATO. I can hear the grumbling all over Western Europe: ''The French are right. We'd better have our own army, because we can't count on the U.S. in NATO any more.''

Do we really want this happen? I don't think so.

Irrespective of these considerations, I would ask the authors of this section whether they really want to allow American military decisions to be made by other countries, in this case the Europeans? That would be an abdication of responsibility that should horrify any Member of this chamber.

Finally, Mr. President, let us consider the dynamic that Section 2410 would set in motion. First of all, let's consider what it would mean in Serbia and Kosovo, on the ground. Make no mistake about it: the result of this bill, unless Section 2410 is eliminated, will be a U.S. withdrawal from Kosovo. What Milosevic could not win on the battlefield, he would be handed by Congressional trepidation.

If the indicted war criminal Milosevic knew that the U.S. Congress was serious about abandoning Kosovo, his temptation to make mischief there would be dramatically increased.

If percentage point differences in contributions made at conference tables would be enough to force the U.S. military out of Kosovo, then imagine what would be the effect of a few U.S. soldiers wounded or killed by Serbian commandos!

Moreover, consideration of this amendment comes at a time of increasing weakness of Milosevic.

Last night his goons occupied television station Studio B and independent radio station B2–92, and padlocked the doors of other independent media offices.

An opposition leader declared that Milosevic's government had ''imposed an informal state of emergency.''

Is this the time that we want to give Milosevic even the slightest bit of comfort?

Does the U.S. military support Section 2410? No. Secretary of Defense Cohen has said so, directly to its authors. Those who might support the amendment in the alleged interest of staving off the ''hollowing out'' of our military readiness should ask of the Department of Defense: is Section 2410 a good idea for the U.S. military overall?

The answer is an unambiguous ''no!'' It would harm—not help—the readiness of our armed forces for the rest of this fiscal year. If the President were unable to certify the meeting of the benchmarks, most of the supplemental funding for the Department of Defense would be unavailable. That would, therefore, mean that the Military Services' accounts for maintenance and operation would not be replenished, since they are currently being used to cover essential costs in Kosovo.

More broadly, the simple fact is that establishing security in the Balkans is squarely in the national interest of the United States. This country has a web of economic, political, security, cultural, and human ties to Europe that is unmatched with any other part of the world. Thanks to the patient, sustained, bipartisan policy of stationing millions of American troops in Western Europe for more than a half-century and through our nuclear guarantee, the western half of the continent was able to democratize, heal old wounds, and eventually prosper.

But, Mr. President, the stability of Western Europe would be severely threatened if war were to re-erupt in the Balkans—as it surely would if Western forces would withdraw. A study by the General Accounting Office released yesterday made that clear.

Last year we got a taste of the massive refugee flows that war would unleash. And some of those refugees would wind up in Western Europe—in fact, many already have.

Mr. President, the United States is the unquestioned leader of NATO, and I believe it must remain the unquestioned leader. I do not think that a leader can lead from the sidelines. To restrict our future participation in KFOR, or SFOR, to providing logistical and intelligence support would indicate to our allies that we were beginning a more general withdrawal from the continent. The symbolism would be unmistakable.

Incidentally, who would try to fill the vacuum left by the departure of American troops from Kosovo?

I urge my colleagues to recall that the Russians desperately wanted their own sector of Kosovo last summer. My guess is that they would have their hand up in an instant to volunteer to replace us.

I do not want this legislation to be the first step in reversing the most successful element in American foreign policy in the last fifty-five years.

Mr. President, Section 2410 is an idea whose time not only has not yet come—it is an idea whose time, I fervently hope, will never come.

We won the war last year, and now our allies are carrying the lion's share of the burden of winning the peace. We are on the right track. To rashly withdraw would invite further aggression by the Serbian dictator and gravely undermine the North Atlantic Alliance, the lynchpin of our trans-Atlantic ties.

Instead of pursuing this self-destructive course, I urge my colleagues to consider the approach taken by my friend from Ohio, Senator VOINOVICH. His resolution, S.Res. 272, which advocates a coherent strategy for furthering American interests in the Balkans, was passed overwhelmingly by the Foreign Relations Committee last month. It was passed by the full Senate just two weeks ago, on May second.

The Voinovich resolution advocates continued involvement in Kosovo and elsewhere in the Balkans, not the precipitous disengagement called for in

Section 2410. It expresses the sense of the Senate that the United States should remain actively engaged in southeastern Europe, continue to oppose Slobodan Milosevic, support the democratic opposition in Serbia, and fully implement the Stability Pact.

This is the course the United States is currently taking, and this is the course we should pursue with renewed vigor in the future.

It will not be an easy struggle; nothing worth accomplishing ever is.

We will not achieve lasting stability in the Balkans overnight—certainly we cannot expect to have achieved it less than a year after the end of the air war.

But rashly to conclude that we should no longer be part of the solution would be totally out of character for the United States of America.

We are the leader of NATO. We are the indispensable factor in the European security architecture.

We dare not sacrifice this position out of momentary frustration and impatience.

So, let's get this straight.

If you believe that stability in the Balkans is not important to the U.S. and our own naked national interest, then vote with my good friends Senators BYRD and WARNER.

But, if you think, as I do, that it is virtually impossible to have chaos in the Balkans, affecting, if not engulfing, the likes of Bosnia-Herzegovina, Montenegro, Macedonia, Albania, Romania, Bulgaria, even Greece and Turkey, while simultaneously maintaining stability in the rest of Europe, and at the same time developing a mature relationship with the countries of the former Soviet Union—then, to paraphrase Thomas Jefferson, who said ''If you expect to be both ignorant and free, you are expecting what never was and never will be,'' I say that if you are expecting chaos in the Balkans and stability in the rest of Europe, you are expecting what never was and never will be.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, may I say to my friend from Delaware, I have a great deal of respect for him. He has had long experience on the Foreign Relations Committee. And he is my friend. I just have to differ with him on this occasion.

Mr. BIDEN. I respect that.

Mr. BYRD. He asked a question, Why don't we vote now? I have the answer to that. It would be irresponsible to vote now to take the troops out. My colleague, Senator WARNER, and I are not saying take the troops out. We are not saying we should withdraw the troops. Certainly, we would not say vote now to take the troops out. That would be very irresponsible.

What we are trying to do is establish an orderly procedure, over a period of more than a year from now, at which time the President, the new President, be it Mr. GORE or be it Mr. Bush, can come to the Congress and ask for authorization to continue the deployment of American troops, if he can make the case, if there is justification for it.

There are those of us in the Senate today who are supporting this amendment who, if that case is made, if a good case is made, a persuasive case is made—I do not assume I would vote against it. I might vote for it. But we are trying to lay down an orderly process whereby there will be plenty of time.

What we are trying to do is take back the authorities of the Congress which have been usurped by the administration. We have slept on our rights. I do not blame the administration; I blame the Congress. We have slept on our rights. So we are not saying take the troops out. But we do think it would be the wrong thing to attempt to vote to take the troops out now. We don't say that. We do not even say take the troops out, period. We are saying let the next President justify the case for leaving them in after a certain date, if that be the circumstance.

Mr. President, it has become startlingly clear over the past several days that the Clinton administration fiercely opposes the Byrd-Warner Amendment. Why does the administration fiercely oppose this amendment? The amendment does not mandate the withdrawal of U.S. ground combat troops from Kosovo. The amendment does not micromanage the Pentagon or the State Department. What is the administration afraid of? The intent of the Byrd-Warner Amendment is to restore congressional oversight to the Kosovo peacekeeping operation. Congress should have taken this step long ago, but by not doing so, Congress has allowed, by its own inaction, the administration to usurp the Constitutional authority of Congress in this matter.

The administration would much prefer that Congress not interfere at this late date with the continued usurpation of Congress' Constitutional prerogative and authority. No, the administration would much prefer Congress to keep quiet, roll over, play dead, or pretend to play dead, while the administration continues to do whatever it wants to do in Kosovo, run up the costs of the operation, prepare for a long-term stay there, and then send the bills to Congress for payment.

The position of the administration has been articulated most fervently by General Wesley Clark, the former Supreme Allied Commander of NATO troops in Europe. In a letter to Senator LEVIN, and in several meetings with Senators this week, General Clark repeatedly made the argument that the Byrd-Warner amendment would undermine the confidence that our European allies place in the U.S. commitment to NATO. Ha-ha, listen to that. How ridiculous that the Byrd-Warner amendment would undermine the confidence that our European allies place in the U.S. commitment to NATO. In less than two weeks, we will celebrate Memorial Day. We will remember, and honor, the 4,743,826 men who served in World War I. We will mark the loss of the 53,513 men who lost their lives in battle during that war, and the 63,195 uniformed men who also died, though not in battle. We will honor the 204,002 men who were wounded in that conflict, whose blood was spilled in those muddy trenches and across those snowy hills.

We will also pay tribute to the 16,353,659 men who put on a uniform and served during World War II, a conflict that also started in Europe. Some 292,131 of those 16 million men died—died in battle during that bloody war, and another 115,185 died while serving in that war. Another 671,876 were wounded in all theaters. American blood has soaked European ground—the ground cries out—and saved European lives. Then to say that the passage of this amendment would cause the Europeans to lose trust in the Americans—how silly, how perfectly ridiculous that that would be said.

That is the U.S. commitment to NATO, and to our European allies. Our commitment lies under European sod, under poppy-covered fields marked with endless rows of white crosses. Our blood is our bond. What more cane they ask? It is preposterous for General Clark or the administration to suggest that the Byrd-Warner amendment could undermine that bond. How silly, how utterly ridiculous.

Asking our European allies to meet their commitments in Kosovo, while we continue to shoulder the burden of intelligence collection, transportation, and other critical support roles for which we are uniquely equipped, is not walking away from NATO. It is not walking away from Europe. The Byrd-Warner amendment assumes that the administration can come up with a supportable case for continued U.S. involvement in Kosovo if necessary. It might be Mr. GORE. It might be Mr. Bush. But we assume that they can come up with a justifiable case if they think they have a case.

The Byrd-Warner amendment does not assume that the United States will withdraw from Kosovo. We do not assume that at all. That is simply the logical conclusion of but one path this debate might take. The other path is that the administration will present, and defend, a plan—whatever administration it is—by next year for continued U.S. involvement in Kosovo that the Congress and the American people can support. We assume they can. But let them do it. Then our troops, our military establishment, our allies, and others in the region, will understand the depth of support for this mission in the United States.

One of the primary aims of the Byrd-Warner provision is to get the administration and the next administration, be

it Democratic or Republican, to focus on a policy.

I have asked this administration for an exit strategy. I cannot get an answer. I have asked for a rough estimate, within 2 years, of how long we expect ground troops to remain in Kosovo. I cannot get an answer. I have asked this administration for an estimate of the ultimate cost of this operation to the American taxpayer. I cannot get an answer.

As far as I can tell, we are on mission ''Ad Hoc'' in Kosovo, with nobody in the entire executive branch in Washington or elsewhere, able to give this Senator and the American people answers to the most basic questions regarding the scope, costs or foreseeable end of the mission.

I cannot even get anyone to tell me how we will know when it is time to leave? How will we know when it is time to leave?

Talk about open ended commitments! This endeavor does not even have walls, much less ceilings or floors.

Now we are being told by the Office of Management and Budget that the administration cannot provide assurances that the certification of allied effort required by the Byrd-Warner amendment will be met by the due date of July 15. The problem? I quote from the statement of administration policy. Here is the problem: ''mechanical formulas and recordkeeping technicalities.'' I realize that this administration has had its share of recordkeeping problems, but I find it difficult to believe they cannot do the simple arithmetic—the old math or the new math—this provision requires.

The administration itself acknowledges that the allies are already exceeding their commitments for humanitarian assistance and for the Kosovo consolidated budget. Further, according to the administration's reckoning, the allies have already deployed 63 percent of the civilian police that they have promised. No, they have not yet met the 75 percent benchmark, but Spain is expected to deploy 115 additional police in June, and great Britain recently announced that it will deploy an additional 57 police by the end of May, which would boost the total to over 75 percent.

Given the allies' poor track record in the area, I think we should hold their feet to the fire on the 75 percent standard. It is achievable. If the allies balk at coming up with 158 additional policemen, Congress and the American people should know and should know the reason why. And we should know the reason before we pay out the final installment of the $2 billion in military costs funded in this bill that the U.S. has incurred in Kosovo this year.

The administration also contends that the allies will not be able to come up with 33 percent of their promised reconstruction assistance. The changes that we intend to make to this provision—Senator STEVENS and I confer if we are not allowed to make them on the floor—will take care of that problem. We will drop that requirement to 25 percent. According to the National Security Council, which apparently can do the arithmetic, the allies are currently at 23.1 percent. I have every confidence that they can come up with the remaining 1.9 percent by July 15. Mr. President, the purpose of including the certification benchmarks in this provision was to give the United States leverage to demand that our allies live up to their commitments. Our intention is for these requirements to be used as a prod, not a battering ram. We want the allies to meet these requirements. But if for some reason they cannot, we have included a safety valve—a vote under expedited procedures to release the money being held in reserve to continue the deployment of U.S. forces in Kosovo. It is not now, nor was it ever, the intention of Senator WARNER or me to force a withdrawal of U.S. troops from Kosovo in July.

Our intention is very simple: To do right by the Constitution, to do right by the American people, and to do right by the men and women in uniform that we send into harm's way in operations like the one in Kosovo.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, will the distinguished Senator from West Virginia engage in a colloquy with me because I am very interested in his remarks. I have the highest respect for his efforts in this body, and I listened closely to what he had to say.

I believe there has been a lot of misunderstanding or misinterpretation or misinformation about what is in this legislation. Perhaps this was not the best place to put this language, but certainly the timing is propitious. This issue is upon us.

Senator BYRD and Senator STEVENS, two of the most respected Senators in this body and senior members on the Appropriations Committee—Senator STEVENS is obviously very much interested in the condition of our military troops, what they are doing, and where they are, and the same is true with Senator BYRD. Maybe it is an oversimplification, but as I understand it, the Byrd-Warner language will really do two things: One, say the President should certify to the Congress by this summer—the exact day is July 15?

Mr. BYRD. We can adjust that date.

Mr. LOTT. By a reasonable date this summer that our allies are fulfilling their commitments, one. And two, that by July 1 or October 1 of next year, the Congress would have to authorize the continuation of ground combat troops in Kosovo; is that basically it?

Mr. BYRD. That is correct. We would continue our air support, our logistical support, and our intelligence support. We would merely withdraw the ground troops, but we would only withdraw them in the event the President did not ask for authorization to continue the deployment, and in the event he asked and Congress voted no. Otherwise, they will be there.

Mr. LOTT. Mr. President, if the Senator will allow me to ask another question——

Mr. BYRD. May I say further, what is wrong with that?

Mr. LOTT. I do not think there is anything wrong with that.

Mr. BYRD. What is wrong with that?

Mr. LOTT. I am going to support it.

Mr. BYRD. I am not directing the question to the majority leader. What is wrong with that? We would expect the President, Republican or Democrat, to come up here to make his case if he wants to continue, if he believes there is justification to continue the deployment. He should come here. That is what we want. We want the administration to come here and request authorization and to justify that authorization. If he does that, Congress then will vote up or down. What is wrong with that?

Mr. REID. Will the leader yield just so we keep things in order? It is my understanding he is taking time allotted to Senator ROBERTS.

Mr. LOTT. I believe Senator BYRD's time has expired. I ask to use the time designated for Senator ROBERTS.

The PRESIDING OFFICER. The time is being so charged.

Mr. LOTT. I know Senator HOLLINGS is wishing to speak on this. I do not intend to use the full time, but we have an expert on this subject.

Mr. REID. Pardon the interruption, I wanted to make sure people understood.

Mr. LOTT. For the people watching, you have made the point, and I have made the point, that what this requires is for Congress to do its job to fulfill our responsibility, that while the President clearly has a role—this is not aimed as a criticism of this President or as a halter on the next President—it is for the Congress, for the Senate to step up to its responsibilities.

I believe the responsibilities you have cited are constitutional. I also believe we have the War Powers Act on the books.

Would the Senator take a moment to talk about those constitutional and other legal requirements that suggest we should act in this area?

Mr. BYRD. Mr. President, I know that the distinguished Senator from South Carolina badly needs to make another appointment.

May I say to the distinguished majority leader that I intend, in my speech tomorrow, to lay out in full the constitutional requirements. I intend to respond to his question at that time.

Mr. LOTT. Mr. President, I will just take a few minutes to say that I thought a good bit about this issue—both Kosovo and the Byrd-Warner language. I have not been quick to make a final judgment or to make comments, but I have concluded that this is the right thing to do. I want to emphasize, again, I say that knowing full well that the President has problems with it. I

think they are overreacting to what is in this language.

Mr. BYRD. They are hysterical.

Mr. LOTT. Now our candidate for the nomination, our presumptive nominee, has said he is concerned about Presidential prerogatives. I understand. All Presidential candidates and Presidents worry about that.

But we have a responsibility here, too. What about the prerogatives, what about the responsibility of the Congress? I think the American people want to know what is going on. They are unaware, really, of what is going on and not asking about it. They are not really aware of the commitment we have there. They don't really know that perhaps our allies are not fulfilling their commitments. They have not done it in terms of personnel or money. And why is because they do not have to. They know Uncle Sam will take care of this problem.

I had occasion to meet with the President of one of our ally countries. I said: Why aren't you fulfilling your commitment? Why don't you do more? Why don't you do what you said you were going to do? Only after a brief silence, he said: You are the world leader. You are the only surviving power. It is your responsibility.

That is kind of the attitude, frankly, of some of our allies—yes, you are the big guy. You have to take care of it. Yes, it is in our backyard. This is supposed to be a peacekeeping initiative. But you will handle it. We don't have to do that.

In their defense, to be honest, I think because of Senator WARNER's efforts, and others, because of complaints I made to some of our allies, they are beginning to do a better job.

I believe the President will be able to meet this certification. But I think it is important that our allies in NATO do what they say they were going to do. I am hesitant for us to even reduce the requirements of what they should have to do.

But I tell you what is really bothering me. We wonder, how long are we going to stay there? We have been in some parts of the world for 50 years. We have been sending troops now to every little place imaginable around the world. There is no end in sight in Bosnia; no end in sight in Kosovo; no plan, no end game. We do not know what is going to be the final outcome. We are just there. Then each year this administration, and the next administration—Democrat or Republican—will show up and say: Sorry, we had this problem. We had to spend the money. We spent $1 billion. We spent $1.5 billion in Kosovo, not to mention what we are spending in Bosnia. We had to take it out of other defense accounts, O&M, operation and maintenance—very important things—and now you have to give us the money, because if you don't give us the money, then we are not going to be supporting our troops.

Then we are in a bind, without any real accountability, without having input, without voting to authorize it, without knowing what the end game is—without anything. Then we just ante up the money. You are not talking chicken feed. You are talking a lot of money. We have to stop that.

I noted what Senator BYRD said. And I would say, for myself, when the vote comes to authorize it, I think we would be hard pressed not to authorize keeping troops there. Certainly we would be for the support of troops.

But if the case was made, if we knew what we were getting into, we knew how much it was going to cost, how long it was going to last, I think that a persuasive case would be made. And I have not made up my mind how I would vote. I want to see what it is.

But that is not where we are now. People are saying: You are taking action now. You are going to have these difficult problems on your hands next year. That is one of the reasons why I want to deal with it now. I want us to make sure everybody understands we have to have an accounting; we have to have a plan.

We cannot put our men, our women, our ships, our planes in every corner of this world indefinitely with no plan. We are still dealing with Iraq. We probably had sorties today. We probably bombed somebody, while we are counting on them to produce 700 million barrels of oil for us, I guess it is. The hypocrisy of it bothers me, too.

I know it is expected that the majority leader of the Senate would automatically just say: No, we can't have this out of the Appropriations Committee. We don't want to tie the hands of the next President. It could be a President from your party.

That really offends me. This is bigger than that. I believe some of the comments that have been made questions the integrity, the patriotism of the sponsors of this legislation. I think that is totally inappropriate. They would not do that.

So as for myself, unless there is something dramatic that changes, I plan to support this language. I urge my colleagues to take a look at what is really in it. Do not be misguided by incorrect information that is being put out there. Ask yourself: Are you satisfied with the situation in Kosovo? I think the answer is no.

So I thank the two sponsors of this legislation. I hope the language stays in the bill.

Mr. WARNER. Mr. President, I ask the distinguished leader, who came to this body following an earlier distinguished career in the House, is he aware of the overwhelming vote in the House today for basically the principles that are incorporated in the Byrd-Warner amendment? The vote was 264 to 140-some, something along in there.

I think that is a clear indication that the people in the United States of America want, first, participation by the coequal branch, i.e., the Congress; and, secondly, for us to address this matter in a responsible way before we shovel out $2 billion more for this type of operation.

Mr. LOTT. I certainly agree. I have found, as I have gone to my own State and other States, that when people find out what we are doing there—the commitment we have there in terms of the facilities and the troops involved, and how much it is costing; and the fact that we have never voted to authorize; we do not know where we are headed, how long it is going to take, how much it is going to cost, what the plan is—they are horrified. They basically look at me—and I can see it in their eyes—and they are thinking: What are you going to do about it?

It is our responsibility.

Mr. WARNER. That is right.

Mr. President, their voices, the people's voices, were heard through this House vote today.

Mr. LOTT. Right. I agree.

Mr. WARNER. I thank our distinguished leader for his support. I thank our dear colleague from West Virginia who, year after year after year, comes to this floor and reminds the Senate of its responsibilities in foreign affairs. This is precisely what is before us in this vote.

Mr. BYRD. Right.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for up to 20 minutes.

Mr. HOLLINGS. Mr. President, I commend our distinguished chairman of the Armed Services Committee, Senator WARNER, and my distinguished leader, Senator BYRD of West Virginia, on this initiative.

You learn through experience. We had bitter experiences, as politicians, on the floor of the Senate during the war in Vietnam.

Someone tells me that the Senator from Arizona, Mr. MCCAIN, has taken exception to this particular amendment. I could only say to my distinguished colleague from Arizona that I feel very keenly, if I knew in 1966 what I know now about Vietnam, I could have saved or participated, let's say, in the saving of at least 40,000 of the 58,000 lives we lost.

It took McNamara, the Secretary of Defense, almost 25 years to admit it was a mistake. And the question arises in my mind as to how long it is going to take us to acknowledge that this, too, is a mistake. Mind you me, I am not for withdrawal. I think this is a deliberate initiative, well considered, and deserves strong support. Otherwise, I am 100 percent for the troops wherever they are.

The record will show that the last $500 million that had to be appropriated at the request of a general for Vietnam was made on the motion from the Senator from South Carolina. But I visited with those troops. I have seen, in a very short period, certain disturbing things in Kosovo. And to watch my friend, the Senator from Delaware,

dignify this mistake, and all the spurious arguments made, is almost amusing, in the sense that one of the things he says is ''to wish for a nation to be both ignorant and free, wishing for a nation that never was and never can be''—quoting Thomas Jefferson. He says if you look for Europe to be both Balkan and stable, it is wishing for something that never was and never can be.

I happen to agree, Mr. President. That is what disturbs the Senator from South Carolina with the positioning of troops who are there for battle and not as a police force. We are really ruining the morale of our troops in this kind of commitment, not following through. They were supposed to have been out in a year's period, gone from any kind of military deployment, and we were supposed to have had the substitution, of course, of the police force and the allies. It is a very weak alliance that has not put up the money. The chaos grows by day and the danger is in the morning paper.

We have five sectors in Kosovo. You learn very quickly that the Russians are not supportive, and that is why we don't have the police force. You learn from the briefings that the Greeks are not for this particular deployment. The French, comme ci, comme ca. It is intimated even by the Senator from Delaware that they are not in support. I asked the Brits in London later about their withdrawal of a certain area and they said they were too stretched. But more ominously, you will find on page A–18 of the Washington Post this morning an article entitled ''Russia Strengthens Yugoslav Ties.'' It says:

At the end of the two-day visit in Moscow today, Yugoslav Foreign Minister Zivadin Jovanovic praised ''cooperation'' between the two countries. Russia granted Belgrade a $102 million loan and announced the sale of $32 million worth of oil to Yugoslavia. The loan comes at a time when the International Monetary Fund, whose activities are underwritten by U.S. taxpayers, is considering resumption of loans to Russia.

. . . Putin's policy is consistent with Russian sentiment toward Yugoslavia. Moscow opposed the war, considered the NATO bombing campaign illegal because it was initiated without the specific approval of the Security Council, where Russia holds a veto. Moscow views the war crimes accusations against Belgrade as politically motivated.

That is what the distinguished Senator from Delaware was trying to dignify. They called it the fifth column in the war with Spain. We have fifth columns, as I can see it, militarily deployed in three sectors. Russian troops take a man from Moscow, and while we can't get our own weak alliance to respond and come up with a police force to keep law and order, we find Russians can get hundreds of millions of dollars here to support Milosevic. This is a good deployment? I see a mistake. I will never forget there was a mistake in diplomacy. There isn't any question about it. I will never forget. I will quote what our friend, Henry Kissinger, said:

Rambouillet was not a negotiation—as is often claimed—but an ultimatum. This marked an astounding departure for an administration that had entered office proclaiming its devotion to the U.N. Charter and multilateral procedures.

I could read further, but there is no question that what we have is not statecraft, but a mistake in a military plan. There isn't any question that they don't want to admit it publicly, but the Secretary of State thought Milosevic would cry uncle in 3 days. We didn't have any military plan to take over. In order to try to backstop some kind of support and say this is serious, and it is not a mistake—''ethnic cleansing, ethnic cleansing, ethnic cleansing''—they tried to equate this with the holocaust. Come, come. We got briefed at the time. There were 100,000 Albanians living peacefully in Belgrade, where Milosevic was also living. This wasn't ethnic cleansing in the sense of a holocaust—to find a person of a particular race or religion and eliminate them. They weren't getting along.

Thank heavens we didn't send Madeleine Albright to Northern Ireland; we sent Senator Mitchell. He knows that in order to get persons and populations with differences together, it takes long, hard work, and no ultimatum. If we had sent the Secretary of State, she would have said you either agree to do this by 12 o'clock tomorrow, or we are going to start bombing you. So we got caught without a military plan. There weren't any grand troops ready—even to come from Germany at the particular time.

Let's say Milosevic didn't like the majority group down in Kosovo. We had all kinds of briefings to the effect that the differences were exacerbating, as they say, and what happened was they would kill a Serb police on the corner and then Milosevic would come and burn out the entire block, and that kind of thing. But when we started the bombing, we declared this a war zone. Brother, when you have a war zone, you have a right, title, and interest to clear the enemy.

So immediately Milosevic went to work, and that is what led to the million refugees spilling over the borders into Albania, Macedonia, into Montenegro, and anywhere they could. That was another mistake. There was a mistake, of course, when they called this a ''peacekeeping'' because there wasn't any peace agreement.

The brass in Kosovo, including the four-star general, General Shelton told me what happened. The Joint Chiefs resent me saying this, but what happened is that both sides ran out of targets. Milosevic had already cleared the area on the one hand, and we had run out of targets down in Kosovo. So we have peacekeeping troops there when there is no peace agreement. What happens? All we have to refer to is what others have said, not just what I saw. What I saw was highly disturbing—our American military deployed and a hunkered down containment.

They took us to a little town with a population of about 67,000 people. We were in the city. But we were guarding a block with Serbs, including a few families there. We had a GI at one end, a GI at the other end, and one GI in the middle to take them to the shopping market. They had that many more Serbs. So they took convoys of them up to Belgrade to shop. Is this peacekeeping?

The columnist said:

The war has done nothing to bring the two sides together. On the contrary, it has intensified ancient animosities.

What do they say in the Washington Post? Michael Kelly says:

How safe is Kosovo, how secure? Safer and more secure than it was a year ago, but still, in any real terms, not safe, not secure and becoming less so all the time.

Human rights abuses and serious crimes continue to be committed at an alarming rate, particularly against members of minority communities, with virtual immunity.

I was briefed to the effect that it was 95 percent Albanian.

Let me quote further:

Meanwhile, as predicted, members of the theoretically disbanded Kosovo Liberation Army have emerged as leaders of a criminal mobocracy that is the real power on the streets.

That is who is keeping the peace—the KLA, and mobocracy rules the streets.

What did the GAO say? This past weekend, they gave the report to the Armed Services Committee.

. . . little progress had been made toward creating peaceful, democratic governments committed to political and ethic reconciliation.

. . . the former warring parties largely retain their wartime goals.

We haven't achieved peace.

Quoting further:

. . . it also criticized the United Nations for failing to provide needed resources, particularly in Kosovo where an international police force has been slow to get off the ground.

''. . . an escalation of violent incidents or armed conflict'' over the next five years, not just in Bosnia and Kosovo, but also in Macedonia and in the two remaining republics of the former Yugoslavia, Montenegro as well as Serbia.

We deployed American GIs in the middle of that mess, and they don't want to even discuss it. They don't want to bring it to a head. Senator WARNER and Senator BYRD want to bring it to a head.

Let's develop some sort of policy because we have a nonpolicy situation.

We have no real support from the allies, as I pointed out. The main thing is that the Russians are all deployed all around and are giving support to Milosevic. Of course, Milosevic is strengthened in Europe.

We heard from General Clark about how the Europeans felt so safe—not at all.

They had a very interesting story in Time magazine a month ago whereby Vaclav Havel had befriended his former Czech native, Secretary Albright, our Secretary of State. He wished for her to succeed him as the President of the Czech Republic. The only problem is

that 75 percent of the people in the Czech Republic are opposed to ''Madeleine's War.''

This has been a mistake—in diplomacy, in military deployment, in peacekeeping, in getting up the support, and everything else. It hurts the Fed's policy. It hurts foreign policy.

We have a group going to Moscow at the end of this month that will probably call on President Putin. I don't have the unmitigated gall to mention to President Putin about Chechnya. ''Here, here,'' he would say, ''Senator, your country invaded the sovereign country of Yugoslavia and Kosovo without a United Nations resolution, and on your own you just took over and started bombing because they wouldn't agree, and you are asking us about Chechnya?'' What kind of foreign policy do we have?

What kind of Kosovo policy do we have? What kind of military policy do we have? When are we going to admit that this is a mistake.

Secretary Albright says we are going to rebuild the infrastructure, and after we get the churches, the roads, the airports, the schools, and the hospitals reconstructed, and the industries, people will go to work, and they will hug and love each other.

Well, we have had 30 years of that in Ireland. From the time I met Martin Agronsky in a restaurant, as he came out after a 3-week visit in London, he said they would never get together for 30 years. And he was right. I have been to Northern Ireland. They have the hospitals, the roads, the airports, and the infrastructure, and they are not hugging and loving yet.

Apparently, according to the Senator from Delaware, a stable Europe or a stable Balkans was never and never will be.

I don't think this is the proper military deployment. We have to bring this to a head and acknowledge the mistake we made, and do the best we can. The best we can is to follow the Warner-Byrd resolution whereby we have the people behind us.

I will make one political comment. Governor Bush wandered aimlessly into this debate yesterday. If I were the President of the United States, I would never want troops committed in a deliberate fashion as these were without the support of the American Congress, the American people, and the Senate.

I would not want them to give me a basket case, if I were elected President. But I would want, by gosh, some requirement that we look at it in an objective fashion, and consider my military, my foreign policy advisers, and look at what was on the ground to see if it was worsening, as it is today.

We keep saying we are going to get rid of Saddam Hussein, Milosevic is going to fall, and Castro is going to disappear. When will we ever learn?

The Warner-Byrd resolution helps us to begin to learn so we can actually discuss this in an intelligent fashion.

The arrogance of America came out markedly in the comments of the Senator from Delaware—that were it not for Americans none of this could happen; not at all. I hope they get a European defense force. I hope they take over.

I voted in 1971, before the Senator from Delaware came here, to cut the troops in Germany back to 5,000. That was the Mansfield amendment.

Let's not say we are responsible for everything and anywhere, and that it only can happen with us.

I think they are going to have to take over. I think when they take over it will be dealt with properly.

I, again, thank the Senator from Virginia and the Senator from West Virginia.

I yield the floor.

Mr. WARNER. Mr. President, while our distinguished colleague is here, and on my time, I would like to say that he has followed this matter for some time. He was on the Appropriations Committee at the time this amendment was voted into the bill. My recollection is that 23 Senators voted to put it in. Am I not correct?

Mr. HOLLINGS. That is exactly right; overwhelming majority.

Mr. WARNER. Three opposed and two abstained.

Mr. HOLLINGS. That is correct.

Mr. WARNER. Showing that the full committee of the Senate appropriations gave overwhelming support to this amendment.

Mr. HOLLINGS. That is right, though we are really debating the amendment of the Senator from Virginia. We knew, and we could see it. We went into the different parts of that debate. To get down to all of these extraneous things my friend from Delaware brings out is not the point at all. We are not trying to send a message to Milosevic. We are trying to send a message to ourselves; to our policy; send a message to the GIs out there that is not willy-nilly. General Clark said only yesterday that it could be 5 years. Come on.

Does he think we will keep America's GIs out there in Kosovo 5 years?

Mr. WARNER. That is precisely why, when I visited the region in January of this year—I try to go every 6 months or every several months. The officials told me, the U.N., the E.U., all of them said: Senator, if they just keep the money flowing and the police flowing, then eventually we can get some timetable for the withdrawal not only of U.S. forces but other military forces and turn it over to a civil society to operate itself with such security as needed along the borders.

We are not pulling out. We are 100 or so miles away for some of our troops in the NATO installations. The sky is not falling in.

The Senator raises a key point. For General Clark to come up and say, in effect, that if we take out just the U.S. combat troops—again, leaving 100,000 in NATO, just a short distance away—Milosevic would read that as a signal and come charging across the borders—what does that say to the other allies? There are 32 nations providing armed forces in the KFOR force of a total in excess of 40,000. It says ''You don't count.''

Mr. HOLLINGS. Exactly. And the timing of this, just when we were assuring Russia that NATO was a purely defensive force, we were admitting three new countries. We destroyed the overall policy. This was a mistake from the word go and they don't want to try to explain it; they are embarrassed to do so.

But the Senator and I can bring it to a head and we can develop a policy. They are running around politicking and traveling the world. But we have a serious commitment, and I don't want to have any GIs hunkered down there and afraid to walk on the streets, with the KLA in charge. Meanwhile, we are sitting back here thinking this is a wonderful commitment and America is keeping NATO together. No.

Mr. WARNER. Mr. President, I thank the Senator. We have got the attention of the Senate now. We have a debate that will last 10 hours, well into tonight and tomorrow.

Mr. HOLLINGS. I commend the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized for up to 30 minutes.

Mr. LEVIN. I yield my time to the Senator from Rhode Island.

Mr. WARNER. Mr. President, there is no need to yield. Following him, I think Senator HUTCHISON of Texas, and then the Senator and I will have a debate well into the evening, I expect.

Mr. LEVIN. I look forward to that.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Senator from Michigan for yielding his time.

First, there are no more respected and trusted Members of the Senate than Senator WARNER and Senator BYRD. When one approaches their amendment and their language with respect to Kosovo, it is with a position of both, as I mentioned, trust and respect.

However, after examining the amendment, I must disagree with their conclusion and the amendment. Let me also say by way of an aside, I certainly do support the underlying provisions of the military construction appropriations bill and I commend both Senator BURNS and Senator MURRAY for all their hard work.

As I indicated, I am concerned about the amendment offered by my colleagues, Senator BYRD and Senator WARNER. The Byrd-Warner amendment provides for several things. First, section 2410 of the bill would prohibit the expenditure of funds for the continued deployment of ground troops after July 1, 2001, unless the President seeks and secures congressional authorization to continue the deployment beyond that date.

This, I think, is one of the more central parts of their amendment. Essentially, it says our troops will come out by July 2001 unless the Congress acts affirmatively to keep them there.

There has been some discussion throughout this debate about senatorial prerogative and roles of the Senate in forging policy with respect to deployment of our troops. I don't believe this debate is ultimately about, or should be about, senatorial prerogatives. It is quite clear, given the power of the purse, we can compel the extraction of our forces by simply cutting off the funds. That principle is clear. What is at stake here is the consequences of such an action, whether such an action would inure to our benefit or whether it would be a costly error. I believe it would not inure to our benefit. I believe the consequences would be detrimental not only to our position in the world, our position in NATO, but ultimately to the position of our forces within Kosovo.

Let me suggest what I believe to be the consequences of the passage of this amendment. It would signal to those forces both within the Albanian Kosovars and the Serbian Kosovars that our commitment to staying in Kosovo is limited to a year. As a result, they will, for their own protection and also to advance their own particular plans after our departure, begin to rearm, begin to become much more provocative, begin to assault each other.

Frankly, given the imbalance of population and forces within Kosovo, it is more likely that the Albanian Kosovars will try to seek a final remedy by displacement of Serbians out of Kosovo before, in their view, the departure of the summit forces, which would likely be accompanied by significant reduction, or certainly a diminution, of the international commitment to Kosovo.

With this combination, we are creating a very destabilizing situation within Kosovo. That destabilized situation would, I think, jeopardize the safety of our forces there. As a result, we would have a situation where we were injecting the kind of uncertainty, the kind of instability, that would, I think, blow up in our faces in terms of our troops.

I mention what the Albanian Kosovars might do. I think Milosevic, being shrewd, clever, and unyielding, would seek to regain through this action what he lost on the battlefield, would continue to accelerate the introduction of his forces back into Kosovo in the guise of civilians; would begin, if he could, to circumvent embargoes on weapons to bring weapons in, setting the stage for violence, for acceleration of violence, which I think inevitably would touch our troops.

Finally, if one is sitting back and watching these developments from within Kosovo, and one is expecting a vote of this Congress with respect to whether our troops will stay or they will go, one might conclude or deduce, based upon recent history, that the quickest way to accelerate our departure is to harm our troops. That is one lesson, perhaps imprecise, but one lesson of Somalia. When American forces, with overwhelming firepower, confronted basically tribal forces armed with AK–47s and RPGs, we were staying the course until tragically we lost two helicopters and a number of Army rangers and Army personnel, and then quickly we were through. We don't know if that is the lesson the leadership in Kosovo would draw, but certainly it is plausible.

As a result, as we spin out these consequences, the requirement within this amendment to withdraw, unless there is congressional approval, sets in motion a chain of events which I think will not lead to stability, will not lead to an environment of peace and tranquility, or at least minimize violence, but could very well unwittingly, unconsciously—and certainly this is not the intent of anyone here particularly—lead to more violence, more instability, which perhaps would force us to withdraw for political reasons long before we could ever sit down and have a vote in this Senate and in the other body on whether we should continue our presence in Kosovo. Essentially, what we are doing here today, as I mentioned, is not charting the prerogatives of the Senate but trying to assess the consequences of what we will do, trying to look ahead and not to the rear. One could come here, and I think should come here, and question how we got into Kosovo, how we were consulted by the White House. Many of these questions are legitimate. Many of these questions have been raised many other times on this floor. But today we should be looking ahead. As we look ahead, I think the consequences of this act would be detrimental rather than helpful to our international position and to the safety of our forces on the ground.

There is a second provision, and that provision is to develop a plan to shift responsibility for providing ground forces to European nations by July 1, 2001. Again, I do not believe there is anyone in this body who would question the central role that Europe must play in securing the peace, not just in Kosovo but in the entire Balkans. So the plan for the organized shift of responsibilities is sensible. Certainly I approve of this. I do not think anyone disapproves of it.

There is a final proviso and that is withholding 25 percent of the fiscal year 2000 supplemental funds unless the White House certifies that European allies are paying their promised share of reconstruction and humanitarian assistance. Again, no one can question or argue that the Europeans should do more, should do their share. Whether or not this amendment would prompt them to do that is another question. But this is an element of the amendment that I believe certainly engenders the kind of debate, and we hope pressure, political and otherwise, that would require the Europeans to pay their share, to carry their load, to respond to a crisis that is in their backyard and not in our backyard.

All of these elements together—but most particularly the first element, the deadline for withdrawal if there is no approving vote by the Congress of the United States—are troubling and will, as I suggested, set in motion a series of events that could not only destabilize our position but force us to pull out, not in an organized way but in quite a disorganized way.

We all are concerned about what appears to be an open-ended commitment. I do not believe this is the way to respond to that concern. Perhaps there is no good way to respond to that concern. Perhaps the only way to do so is to begin to work with our allies so, on a programmed, planned basis, we can substitute additional U.S. forces with European forces. Perhaps it is by working with the United Nations to see that they back up their words with real resources, real dollars, so they can begin the reconstruction, and also to work with the European Community so they can do the same in terms of their commitments; also to begin to work with international groups, the United Nations and others, to develop the capacity to have available real police forces, not those who have been trained to patrol the reasonably serene streets of metropolitan areas in the United States and Canada and elsewhere, but those police forces that are trained for this type of almost paramilitary operation.

Those steps take time. But that is a way to address this issue of an open-ended commitment of our military forces. It is an issue we must address because, regardless of what we do with respect to Kosovo, we have similar challenges in East Timor and other places that require the same kind of international humanitarian and reconstructive aid, as well as international police forces.

There is another issue that emanates from this amendment, and that is the message we are sending to our allies about our participation in an international effort. We are in Kosovo because, not only are we a member of NATO, we are the leader of NATO. Our allies have joined us in this effort. This is not a unilateral American response to a problem. This is an international response with our allies through the mechanism of NATO. Indeed, I believe if we are signaling our response is weakening, that signal will be taken very badly by our allies in Europe and around the world.

We did an extraordinary job with our military forces, our air power, in securing our entry into Kosovo, the entry of NATO. It would seem to me to be turning away from that great military success at this juncture by our own action, essentially signaling to our NATO allies we are no longer prepared to assist

them in the efforts in Kosovo. I believe it would, in fact, trigger their parliaments to conduct the same types of debates we are conducting, and the same type of vote if this measure passes. And, as a result, the cohesion, the commitment—not just of the United States but of NATO and European forces—would be dissipated and, in fact, we would see perhaps the end of international involvement in Kosovo.

The other thing to recognize is that, of the 49,500 troops on the ground, 5,300 are American forces, about 10 percent of the total. This is not a disproportionately American-led operation today on the ground in Kosovo. Indeed, if you look at the U.N. international police forces in Kosovo, of the 1,900 police officers, 430 are Americans. In terms of reconstruction, we are scheduled to pay about 14 percent of the reconstruction, 20 percent of the humanitarian aid. These numbers are in line with a joint international effort not dominated by the United States, but our shared participation is vital to its success.

If we choose to make this judgment with respect to Kosovo, we also have to ask ourselves, reasonably: Will our participation elsewhere be questioned? What about our Australian allies who have shouldered a disproportionate burden in East Timor and have asked us repeatedly both for practical and political reasons to participate with them? Will they suddenly get nervous about our resolve there and curtail their activities in a country which desperately needs international support to make the transformation from a dependency, a captured territory, really, of Indonesia, to an independent country?

We can see many other places around the world where our resolve might be seriously questioned. So the ramifications of this vote are not just within the context of Kosovo. They would reach out across the globe literally to raise questions of our role in the world with respect to our allies and our adversaries.

Speaking of adversaries, one has to ask how would this be interpreted by Milosevic in Belgrade? I think he would see this as his salvation. After losing five wars in the Balkans, after seeing his country practically dismembered, after seeing his cities destroyed from the air, suddenly we would offer him the hope of some ultimate justification because, if we leave, the pressure on our allies to go also will be, perhaps, unstoppable. Also, if we leave, and if my worst fears come about that there is renewed interethnic violence between Serbs and Albanians within Kosovo, he will be able to stand in his figurative pulpit and claim that he is doing precisely what we did; that he is using his military forces to stop the ethnic cleansing of Kosovar Serbs by Kosovar Albanians, and that he is justified, morally and politically, on the same basis we were, to enter back into Kosovo with force, if necessary, to vindicate the same moral principles we claimed.

Would that not be a terrible irony in history? Yet that very well could happen. I believe Milosevic and his colleagues in Belgrade would embrace any slight weakening of our resolve.

The other aspect we have to look at, and it is one that is geared to all of us here but none more so than the sponsors of this amendment, is the status and the safety of our forces.

Again, one can always conjure up dangers, particularly when we have troops in as close contact as they are. The simple uncertainty of what we might do a year from now with respect to a vote would, I think, inject increased risks to our forces in the field. I do not think we should do that. I do not think it is necessary to do that.

We have heard from General Clark. He has been emphatic about his view that this course of action would not be wise or judicious. We have heard similarly from Secretary of Defense Cohen.

Our troops in the field already face a difficult task. They have combat power, but ultimately it is the resolve and the support of this Nation that stands behind them which is their greatest weapon.

They are in a very difficult and dangerous situation. They are in urban areas. Like so many of my colleagues, I traveled to Kosovo last July with Senator LEVIN, Senator SESSIONS, and Senator LANDRIEU. We traveled through Kosovo. It is and has been a violent land. It is a place where we saw as we went into Prizren, a town in the German sector, fires burning by renegades who are still trying to avenge themselves against the Serbs.

In that complicated area with cities, I do not think we want to unwittingly invite the hotheads, the terrorists, the ideologues to begin attacking our forces because that is not a place where our advantages militarily will come to the fore. In fact, we will be severely disadvantaged.

I hope we will reject this amendment. This is always very positive and productive because this body should be a place for debate and discussion. Senator WARNER and Senator BYRD have, once again, focused our attention on this issue in Kosovo, once again reminding us of how we got into the situation and also reminding us of our obligations to look ahead. In that sense, they have done a great service to this Senate, as they have done throughout their careers.

If we seize that challenge, if we look ahead, if we try to carefully measure the likely consequences, this amendment will not advance our cause, will not advance our position in the world, will not provide additional support and resolve to those forces within Kosovo that are seeking peace and reconciliation. It will, at best, create uncertainty and doubt which will generate, in my view, violence and, at worst, be a green light for those forces that want to finally eliminate their ethnic rivals or those forces that see this as an opportunity to, once again, get the upper hand on their ethnic rivals.

All these suggest we should reject this amendment and that we try, if we are concerned about the long-term status of our forces in that area, to work for an acceleration, as part of this amendment calls for, an acceleration of international assistance for reconstruction and humanitarian affairs, an acceleration of the deployment of police officers to absorb the responsibilities which now are being held by military forces, to accelerate our readiness for peacekeeping around the globe because we know, although we regret, there will be other situations such as this.

If we can do that based upon this debate, then we have accomplished a great deal, but I urge my colleagues to oppose these provisions and support Senator LEVIN's amendment to strike so we can send a message to our allies, to our soldiers, to our adversaries that we will stand behind our forces in Kosovo.

I thank the Chair. I yield back my remaining time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Rhode Island for his typically thoughtful comments. He has made a truly great contribution to this Senate. We spend a lot of time with him on the Senate Armed Services Committee. He has made an extraordinary contribution not only based on his own intellectual powers but on his own experience which is invaluable to us in the Senate. I thank him for his insightful comments.

Mr. WARNER. Mr. President, I agree with my distinguished colleague from Michigan. We do have a very valued member of our committee in this distinguished Senator from Rhode Island. It is interesting that he joined Senator Chafee, while that great Senator, that tower of strength, was here, and he was always so deferential and respectful to Senator Chafee. In his own right, he proudly graduated from West Point and served his hitch in the U.S. Army. He reminds me of that when we get excessive naval funds through our committee. We thank the Senator. While I may not agree with his conclusion, his participation on this committee and this matter is of great importance to us.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe Senator HUTCHISON wants to be heard at this point. I have no objection whatsoever to that, even though that is a change in the order of battle.

Mr. WARNER. Mr. President, I suggest to my colleague that he go ahead and initiate his remarks, if that is his desire. She is about to arrive. We can put in a short quorum call.

Mr. LEVIN. If we can put in a short quorum call.

Mr. WARNER. In that time, we can work on the time for the rest of the evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the issue before this body tomorrow—at least the principal issue—will be whether we are going to set a deadline for the withdrawal of U.S. ground forces from Kosovo by the middle of next year. I will be coming back to that issue a little bit later in my remarks. But before we directly address that question, I would like to go back a bit in time and talk about how we got here and about NATO's air campaign.

That campaign was the correct response to Milosevic's brutal repression of the Kosovo population and was the correct response to Milosevic's effort to spread instability in the region.

Now that ethnic cleansing has been reversed, for the first time in the 20th century, NATO's peacekeeping mission was the right thing to do, to give the people of Kosovo a chance to live peaceful and productive lives. And NATO's peacekeeping mission is the right thing to continue, to give that chance to live a chance to flower.

We are at a crucial point with respect to Kosovo. Ten months into the NATO-led peacekeeping phase of the operation, there are some encouraging signs. There are not such encouraging signs, I am afraid, inside the Senate.

The first and most significant fact in Kosovo is that over one and a half million people have returned to their homes, homes from which they were driven, and they have returned either from abroad or from the woods.

Mass torture, rape, and looting were the substance of daily life in Kosovo just a year ago. There is still too much violence, but the contrast is stark. When the NATO-led Kosovo force, or KFOR, arrived in Kosovo in June of 1999, there was a weekly murder rate of about 50. It is now down to an average of five—still too high, but comparable to large cities in the developed world.

The discussion taking place within the international community is now how fast, how many, to where in Kosovo the Serbs and other minorities should return. There is still a long way to go in Kosovo before Kosovo is safe for all of its former residents, but progress is being made.

Dr. Bernard Kouchner, head of the U.N. mission in Kosovo, had it right when he said that ''Kosovo is emerging from 40 years of communism, 10 years of apartheid, and a year of ethnic cleansing, and that it is simply unrealistic to expect that a Switzerland would be created there in less than a year.''

Some who maintain that a deadline should be set now for the pull out of U.S. combat forces point to the fact that the United States flew over 70 percent of the missions in the air campaign. The argument is that it is now the Europeans' turn to bear the peacekeeping burden. Well, that is exactly what is happening. The European nations are providing over 80 percent of the peacekeeping troops for Kosovo, and the United States is providing about 15 percent of the troops. The Europeans have responsibility for four of the five peacekeeping sectors in Kosovo. The KFOR commander is presently a Spaniard. He was preceded by a Brit, and then preceded before that by a German. The Eurocorp, a multilateral command composed of Belgium, France, Germany, Luxembourg, and Spain, took over the KFOR headquarters function last month. Last week, NATO announced that an Italian would become the KFOR commander in October.

Moreover, the European nations, either as part of the European Union, or individually, have pledged to provide more than 75 percent of the financial contributions to Kosovo. Now, that brings us to the provision that is included in the military construction appropriations bill. This provision makes the decision now that U.S. ground forces will pull out of Kosovo after July of next year. That is the heart of the matter. It is a decision in this bill now that those ground forces will pull out of Kosovo in the middle of next year.

If we leave this language in the bill, Congress will be deciding to pull our ground forces out next July. We will have an opportunity later to reverse that decision if we change our minds. But unless Congress changes its mind, the decision is made. Nothing more needs to be done. It is a self-effectuating decision. If Congress does nothing, those troops—we would be deciding now—must come out in the middle of next year.

In another part of the language, it says that if the Europeans do not meet specified percentages of their pledges for financial assistance and police contributions, the withdrawal of our forces would start in August of this year, unless Congress enacts a joint resolution providing otherwise. But if Congress does nothing, the decision is made now. This is not left to a later decision of Congress. We would be deciding now that those troops must come out, if the Europeans do not meet very specified percentages of certain pledges for financial assistance.

I have been one that has criticized the Europeans for not delivering on those financial pledges—particularly for not providing more civilian police for Kosovo. I have joined our chairman, Senator WARNER, in criticizing the Europeans very publicly, very openly. We have talked to the foreign and defense ministers from Britain, France, and Germany, as well as the Ambassador of the European Union to the United States. I have publicly said it is a little more than hypocritical for the European Union to talk about grand plans for European security and defense identity at the same time they are not appropriately living up to their pledges of financial assistance and civilian police for Kosovo.

So I believe that we should be continuing to put pressure on the Europeans to live up to our commitments, and I think we ought to live up to our own commitments as well. I have a number of concerns with the Byrd-Warner language relative to the Europeans' commitments.

First, I don't agree with the consequences that would follow if the President is unable to certify that the Europeans are meeting their precise commitment; namely, in the absence of a majority vote of both Houses of Congress, our ground forces would automatically have to withdraw from a NATO-led peacekeeping operation. I don't object to voting on that issue, but I strongly believe that the proper way to use the power of the purse is to vote directly on whether or not to cut off funding. That is what we did in Somalia in 1993 with the Byrd amendment, and in 1994 with the Defense appropriations bill, with that amendment. But that is very different from what is being proposed now, which is to require a withdrawal of U.S. forces later, unless a later vote authorizes the peacekeeping operation, or unless specific targets are met by the Europeans.

Throughout our history, while we have used the power of the purse to cut off funding for the deployment of our forces, Congress has not, to my knowledge, enacted legislation that would require the Congress to affirmatively vote at a later date to allow a deployment to continue. The provision before us basically says if Congress doesn't act in a specific way at a later date, our forces must withdraw from Kosovo, so that the fate of Kosovo may very well be determined by the impetus of Congress to act.

The power of the purse is a vital power. It is totally appropriate to seek to exercise that power. But the power, as wielded here, sets up a process by which nonaction by the Congress would lead to the withdrawal of our forces from Kosovo. The Byrd-Warner provision decides now to require the withdrawal of U.S. combat forces from Kosovo next July, unless Congress changes its mind in the interim. The issue then isn't whether Congress has the power to set deadlines. Of course we have the power. If that were the issue before us, the vote on this would be 100–0 to maintain that power. The issue before us is whether we want to force the withdrawal of ground forces from Kosovo in July of 2001. That would be an unwise exercise of a power that Congress clearly had.

So the language before us isn't about a theoretical principle that Congress has the power to set deadlines. The

Byrd-Warner language exercises that power. No further action is needed later, and unless further action is taken later, our ground forces would be withdrawn next July.

Mr. WARNER. Mr. President, will my distinguished colleague yield?

Mr. LEVIN. If I may finish this one thought, I will be happy to yield. That is what it comes down to. The proponents do not want us participating—by their own words—in NATO-led ground forces, even at a junior partner level of 10 or 15 percent because, in the words of the proponents in a Dear Colleague letter they sent, ''The Europeans should be responsible for the ground element of the Kosovo peacekeeping mission.'' That is what the proponents wrote to all of us. They don't want us participating. They want us out of there. Unless we change our mind, we will be out of there because, in their words, ''The Europeans should be responsible for the ground element of the Kosovo peacekeeping mission.''

By the way, I reiterate, we are supplying 15 percent of the forces. We have pleaded with the Europeans for years to become more active in their own defense, and they have now responded. They are now the senior partner, with 80 percent of the ground forces. We are 15 percent, and the other non-Europeans are 5 percent.

We are the junior partner right now. But the language in this bill says we don't want to even perform that role. That is what will unravel this mission and endanger this mission in the eyes of NATO and its leaders.

I am happy to yield to my friend.

Mr. WARNER. It is just a question to my distinguished colleague. He used the term ''inaction by Congress.'' Indeed, I say to my colleague, Congress has been inactive on a number of occasions when we sent our troops abroad and expended our taxpayers' money. That is one of the purposes of this bill. To establish a precedent of inaction not conceived by the Founding Fathers—indeed, we are given coequal powers.

I want to go back to the bill itself, on page 71, ''congressional priority procedures,'' and ''joint resolutions, defined.''

I interpret that clause in the Byrd-Warner language that only one Senator is required, I say to my distinguished colleague. One Senator can bring forth that resolution. I commit to you that I will be that Senator, if necessary. So there will not be, in my judgment, inaction by the Congress after the President sends his report up.

Mr. LEVIN. If the Congress does nothing, under this language those troops are out of there.

Mr. WARNER. The Senator is correct. But I am saying I commit to be the one Senator who requires the Congress to speak on it. So it will not be inaction. Congress will take action. The senior Senator from Virginia will be the one who will come to the floor under this provision and demand it.

Mr. LEVIN. It is limited reassurance because it doesn't answer the heart of the problem, which is that if Congress does not vote later to authorize those troops, we are deciding now that those troops must leave.

General Clark told us the problem is that in the year between now and then you have tremendous uncertainty, to put it mildly, as to whether Congress will authorize those troops to continue despite the commitment of one Senator to vote that way. It is that uncertainty which creates danger for our troops. Those aren't my words. Those are the words of General Clark's, who commanded those forces until a few weeks ago. That is the uncertainty which creates problems inside of our NATO alliance. That is the problem that creates in Milosevic the hope that he can restore himself to power for 1 year. For 1 year what is going to be the law of this land is that, unless Congress by majority vote decides to authorize those troops in Kosovo, the American forces must leave.

It is a dangerous uncertainty. It is a debilitating uncertainty in terms of NATO. It is an encouraging uncertainty in terms of Milosevic. And it is an uncertainty that we should not create. There would be a way to avoid this. There is a way that I suggested.

The way to avoid this is to guarantee the Senator from Virginia an opportunity that he could vote to pull the plug a year from now. That is a lot different. That is not this language. That was language which I suggested to my good friend from Virginia that we could guarantee a year from now that there would be an opportunity to force the withdrawal of those troops. That doesn't create the year of uncertainty which this language does because the language in this bill that my amendment would strike creates the uncertainty because if Congress does nothing a year from now, if the majority does not act a year from now to authorize these troops, the year of uncertainty between now and then will take a horrendous toll. Those are not my words. Those are the words of General Clark, the expert in the field. It seems to me that is a significant difference.

One other point, and I would be happy to yield further, but I probably want to do this on my good friend's time.

Mr. WARNER. Mr. President, I will be happy to have all of my questions on my time.

Mr. LEVIN. In the middle of the air campaign, while our fliers were putting their lives at risk over Kosovo, the House of Representatives could not even muster a majority to support our air campaign. My good friend says he will be the one to trigger this vote in the Senate. I have no doubt that he would. Once he says something, he means it. I would bet my life on it. I have bet an awful lot on his words many times, and I have never lost a bet.

But I will say this: You can't tell us what the House of Representatives will do, or what 99 other Senators will do a year from now, and the problem, General Clark tells us, is that year of dangerous uncertainty is destabilizing, discourages our allies in NATO, encourages Milosevic, and is a real morale buster for our troops. It endangers our troops. It puts them at greater risk during this year. That is what General Clark told us in his letter, which I will read in a few moments.

I would be happy to yield.

Mr. WARNER. First, the Byrd-Warner amendment is very carefully drawn so that the next President of the United States in following up with President Clinton's report with the next President's report. It is not required of him to wait until July as is now written. Indeed, Senator BYRD and I thought we would give it additional time. If the next President perceives that there is some turbulence and doubt in the minds of our allies, he can file the report. Then this Senator pledges under the bill within the 10 days to come forward with that resolution and have this body act. I will guarantee. I will draft somebody in the House to do the same thing.

Mr. LEVIN. Will the Senator guarantee a majority vote in both the House and Senate?

Mr. WARNER. I can't guarantee that.

Mr. LEVIN. That is the problem.

Mr. WARNER. I can guarantee, if the facts of the case are so strong and the turbulence so great amongst our NATO allies, then I think this Chamber will act in a responsible way in the best interests of the United States and all those involved.

Time and time again, I remind my colleagues in this debate, why are we so fearful that if the facts are there to justify the continuation of this mission this chamber will not vote in a majority to support the next President in his petition? That is underlying this whole debate.

Mr. LEVIN. I think my friend and I know from a whole lot of debates in this Chamber that, while the facts may be clear to either of us or both of us, they may not be clear to a majority of this Chamber the way we see those facts. It is that year of uncertainty. It would be about a year.

Mr. WARNER. The President could file this report in March.

Mr. LEVIN. It could go up to, let's say, 10 months of uncertainty. That is a dangerous period of time, which is, by the way, not necessary to create.

If my friend wanted a guaranteed vote on whether or not to pull the plug on our forces next year, that can be arranged—a guaranteed vote. But that is not what this is.

Let's be very clear on this. This says that unless the majority decides a year from now to authorize something, that automatically then, on automatic pilot, self-effectuating, we are deciding now, and those troops must leave. And it is that dangerous period between now and then—whether it is 10 months, 12 months, or 14 months—it is that destabilizing dangerous period which the

NATO Secretary General and General Clark have told us endangers the mission and endangers our troops.

It is unheard of, I believe. There is no precedent that we can find for the Senate or the Congress ever deciding in year 1 that unless something is authorized in year 2, relative to a deployment of forces, that those forces must be withdrawn. We have pulled the plug on deployment.

I have voted to pull the plug on deployments. I have voted to end deployments in Haiti. I voted, after my dear friend from Virginia and I went to Somalia, both before and after, to set deadlines and pull our troops out of Somalia.

That is not what we are doing here. What we are doing is deciding now that if Congress doesn't authorize a deployment next year—be it May, June, or August—those troops must go. It creates between now and then a very dangerous period, and a period which is demoralizing for our troops, according to the former commander. That is what we ought to avoid. It is unnecessary for us to do that.

Some people ask, is there anything wrong with exercising the power of the purse? My answer is, I am going to defend the power of the purse. Senator BYRD is surely correct in saying we have the power to do what the Senator from Virginia and he proposed that we do. I don't doubt that. I doubt its wisdom—not the power of Congress, but whether it is wise for us to do what is being proposed.

When it comes to the constitutional power issue, if that were the issue before us, whether or not Congress has the power to do what the Senator proposed, if that were the question, I would say we have the power. I think we would have a 100–0 vote. I hope so in terms of the prerogative of this branch of Government. The question isn't power. It is wisdom.

Is this the right thing to do?

Do we want to create this year of uncertainty and instability? Do we want to put into place a self-effectuating, automatic process which would lead to the withdrawal of forces later unless something happens between now and then? I think the answer clearly is no.

I will quote from this letter I referenced, General Clark's letter, which I have printed in the RECORD. I use only a few paragraphs from the letter.

General Clark wrote that the provisions in the bill before the Senate:

> . . .would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.

He also wrote:

> Our service men and women and their families, have made great sacrifices in bringing peace and stability to the Balkans. This amendment introduces uncertainty in the planning and funding of the Kosovo mission. This uncertainty will undermine our service members' confidence in our resolve and may call into question the sacrifices we have asked of them and their families.

General Clark continues:

> These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

He also wrote:

> Our allies would see this as a unilateral, adverse move that splits fifty years of shared burdens, shared risks and shared benefits in NATO.
>
> This action will also undermine specific plans and commitments made within the Alliance. At the time that U.S. military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and all parallel diplomatic efforts.

General Clark continues:

> Setting a specific deadline for U.S. pull-out would signal to the Albanians the limits of the international security guarantees providing for their protection. This, in turn, would give them cause to rearm and prepare to protect themselves from what they would view as inevitable Serbian reentry. The more radical elements of the Albanian population in Kosovo would be encouraged to increase the level of violence directed against the Serb minority, thereby increasing instability as well as placing U.S. forces on the ground at increased risk.

I repeat that one sentence because it seems to me when, up until recently, the commander reaches this conclusion, as well thought out it is, that our forces on the ground will be at increased risk while they are there if this action is taken, we should pay some very significant heed to those words.

Mr. WARNER. At some point, would the Senator allow asking questions? I find very troublesome the accusation by General Clark. I have always believed General Clark to be a very brilliant field commander, despite the fact he was reversed in his desire to do certain things in Kosovo by the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, time and time again. As a matter of fact, I was a supporter with him on the ground troops issue, traveled with him the day before the hostilities ceased.

That we would do something to place in harm's way those who serve today and those who serve for the remainder of the time—I looked, as a matter of record, at the cosponsors of this resolution. I think I counted 10 persons who are veterans of previous wars and engagements. For General Clark to be pointing a finger at up to a dozen Members and saying, we veterans are taking an action endangering our people—let me ask this question.

Mr. LEVIN. That is not the issue. This is not a personal issue. This is an issue of judgment on the effect of a particular proposal. He is not saying that the intent of the proponents is to put our forces on the ground at increased risk. General Clark knows the Members of this body. He knows nobody in this body would intentionally place U.S. ground forces at increased risk.

Mr. WARNER. I could examine the record of your remarks.

Mr. LEVIN. What he is saying is, from reading the letter, this action will do that. He is not saying it is intended to do that. He is saying this is what the effect of this action will be. I don't think the persons who support the language that is in the bill can fairly believe that General Clark is aiming anything personally at them in terms of their intention because there is nothing suggesting that.

Mr. WARNER. I say to my colleague, 23 Senators have already taken an action. They voted on it in the Appropriations Committee. They have taken that action. And you go back and count among the 23 those who proudly served in uniform for this country.

Let me turn to another point. How do our allies feel, listening to this debate where we are saying they are of little consequence? If we pull out 2,000 or 3,000 ground combat troops, leaving the support troops in place, why, the sky is falling in, says General Clark. What does that say to the other 30-plus nations that have their troops there: You are ineffective; You won't hold the line; You break ranks?

I think that is a fallacious argument.

Mr. LEVIN. Let me try to answer the question of how our allies feel. We have direct evidence on that. We have a letter from Secretary General Robertson.

Mr. WARNER. I am familiar with that letter.

Mr. LEVIN. I will read now in response to the question of how our allies feel from a good friend of ours, George Robertson, whom we both know well, Secretary General of NATO.

Mr. WARNER. He is a fine naval man.

Mr. LEVIN. He says:

> The question of Congressional prerogatives is an internal matter for the U.S. Congress and the administration to resolve. I'm in no position to comment. Where I do have a concern, however, is that in the way the legislation is written, it would not just affirm the Congressional privilege, but point toward a single policy outcome—the withdrawal of U.S. forces.
>
> As Secretary General, the prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me deep concern. It risks sending a dangerous signal to the Yugoslavian dictator, Milosevic—that NATO is divided, and that its biggest and most important ally is pulling up stakes.

That is how our NATO allies feel about this language.

Some have argued that Congress has never authorized or even formally debated U.S. involvement in Kosovo since the Senate on March 23, 1999, authorized airstrikes against Yugoslavia.

By the way, Mr. President, I ask unanimous consent the letter from the Secretary General of NATO, Mr. Robertson, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH ATLANTIC
TREATY ORGANIZATION,
Bruxelles, May 16, 2000.

Senator TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.
Senator TOM DASCHLE,
Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATORS LOTT AND DASCHLE. I am writing to express my concerns about legislation currently under consideration that could result in a U.S. withdrawal from the NATO operation in Kosovo.

As I understand it, the principal authors of the Kosovo language have two concerns: to affirm the Congressional prerogative to approve or disapprove U.S. military deployments, and to insist on a proper sharing of burdens among the United States and the European Allies.

The question of Congressional prerogatives is an internal matter for the U.S. Congress and Administration to resolve. I am in no position to comment. Where I do have a concern, however, is that in the way the legislation is written, it would not just affirm the Congressional privilege, but point towards a single policy outcome—the withdrawal of U.S. forces. Unless the Congress votes otherwise in a year's time, the Administration would have to begin withdrawing forces. And regardless of any vote, the Administration would be required to produce a plan for total hand-off of the NATO operation to the European Allies.

As Secretary General, the prospect of any NATO Ally deciding unilaterally not to take part in a NATO operation causes me deep concern. It risks sending a dangerous signal to the Yugoslav dictator, Milosevic—that NATO is divided, and that its biggest and most important Ally is pulling up stakes. I would hope the question of Congressional privilege being addressed could be dealt with in a way that does not presume a U.S. withdrawal.

Concerning the issue of U.S.-European burden-sharing, I agree with those who argue that the U.S. must not carry a disproportionate share of the load. But the facts on the ground today show that this is not the case. European states are providing 80 percent of the forces in KFOR. The Europcorps is providing the NATO headquarters for the operation. The single largest contributor is Italy, with 14 percent of the force. Italy will take over KFOR headquarters in October.

The European nations are also carrying by far the largest financial burden in providing assistance to Kosovo, and are providing twice the U.S. contribution of civilian police. The bottom line is that in Kosovo today, burden-sharing is working.

In my view, while ensuring proper burden-sharing is important, we should not let that issue distract us from our larger policy objectives. The NATO presence in Kosovo needs to be decided on the merits of our being there—the job that we are doing and that we need to finish.

Just over one year ago, NATO aircraft—led largely by the United States—put an end to the most brutal ethnic warfare in Europe since World War II. One and a half million people had been driven from their homes but, thanks to NATO's action, they have been able to return. In a region that has suffered so much—from communism, from de facto apartheid, and then from abhorrent ethnic cleansing—NATO has meant the difference between life and death, between hope and misery.

I believe that we owe it to ourselves, if not the people of that region, to finish the job we began. As Secretary General of NATO, I will pursue that goal with the utmost vigour. I hope I can count on continued U.S. support, even recognizing that the European Allies must continue carrying the largest share of the load at this stage.

With warm good wishes
Sincerely,

GEORGE ROBERTSON,
Secretary General.

Mr. LEVIN. Mr. President, some have argued that the Congress has not authorized or debated United States involvement in Kosovo since the Senate, in March of 1999, authorized airstrikes against Yugoslavia. That is not correct.

On June 10, 1999, during the House of Representatives consideration of the Department of Defense authorization bill, the House approved an amendment offered by Mr. Skelton that deleted language in the bill as reported out of committee that would have prohibited any funding for combat or peacekeeping operations in Yugoslavia after September of 1999. The vote on the House floor was 270–155.

Additionally, on May 25, 1999, during the Senate's consideration of the Department of Defense authorization bill, Senator SPECTER offered an amendment that would have prohibited the use of funds for the deployment of United States ground troops in Yugoslavia, except for peacekeeping personnel, unless authorized by a joint resolution authorizing the use of military force.

Senator SPECTER's amendment was tabled by a vote of 52–48. Proponents of this bill assert that Congress has a constitutional responsibility to address policy issues involving the deployment of U.S. troops overseas in instances in which American men and women are being sent into potentially dangerous situations.

But the language singles out the involvement in Kosovo. The language relates to Kosovo, not to a general principle. The United States has been enforcing a no-fly zone in Iraq for more than 9 years. U.S. and British aircraft are being fired upon by Iraqi forces almost daily. They respond by attacking Iraqi air defense and command and control installations. Our pilots are clearly at risk. Total incremental costs for our operations in the Persian Gulf are $1.2 billion a year. It is estimated that for this fiscal year it will be about $1 billion.

The United States has been contributing forces to NATO-led peacekeeping troops in Bosnia for 5 years. The U.S. contingent in that effort is 4,600 troops. With the passage of time, the risk to our troops in Bosnia is probably less than it is in Kosovo, but they are at risk. More than $9 billion has been appropriated since fiscal year 1991 for Bosnia-related operations.

We have 3,700 troops in South Korea. In testimony before the Armed Services Committee in March of this year, the Director of the Defense Intelligence Agency said that war in the Korean peninsula could occur at any time. Our troops in South Korea are clearly at risk. It does not appear that our U.S. troop deployments in the Persian Gulf or Bosnia or Korea are going to end anytime soon. There is no fixed date for the end of these deployments. But they are important missions and our troops should remain deployed until those missions are completed.

Proponents suggest we are abdicating our responsibility by not specifically authorizing U.S. troops' participation in the NATO peacekeeping operation in Kosovo. Surely Congress is not abdicating its responsibility by not having expressly authorized deployments in the Persian Gulf, Bosnia, and Korea as a condition of their continued deployment. So the issue before the Senate is not a principle or else that principle would presumably be consistently applied.

The issue before us is not the power of Congress. We have that power. Every one of us, I hope, would vote to defend that power. I will as long as I am in the Senate of the United States. If the issue is does Congress have the power of the purse to end the deployment, I will defend that principle. But I will not defend its application every time there is an attack on the deployment of our forces or an effort made to end the deployment of our forces.

The question here is, Is it wise now to say that a year from now, unless Congress votes affirmatively and changes its mind, that we are saying now that those forces must leave Kosovo? That is the question. It is the wisdom of the application of the power in these circumstances in this way that is the issue before the Senate. It is not the abstract power of the purse or the abstract power to force the pullout of American forces because there cannot be any doubt that we have that power constitutionally. The question is, Is it wise to exercise that power now in Kosovo in this way, with the resulting year of dangerous uncertainty, as General Clark has outlined to us—endangering the NATO effort in Kosovo, endangering the morale of our forces in Kosovo, emboldening Milosevic to return to Kosovo? That is the question. Is it wise to exercise that power now to be effective a year from now unless we change our mind? That is the only issue, not the abstract power of the Senate.

I could give many other examples of where we have forces in different places. I have talked about the Persian Gulf, Bosnia, and South Korea. We have forces in the western Sahara; we have forces in Sinai; we have forces in East Timor. We have forces in a number of places around the world—and in many ways I think we are overstretched, by the way. We have forces in so many places, but I do not believe there has been any specific congressional authorization for the deployment of U.S. military personnel to any of those deployments. We could cut off funding for those deployments; we have that power. But a failure to specifically authorize them cannot represent an abdication or the loss of constitutional power over the purse. It cannot mean

that. We have not abdicated our power or abdicated the power of the purse by failing to authorize forces in East Timor or Sinai or in Bosnia or in South Korea or in Germany. We have decided as a Congress not to withdraw those forces. Any one of us at any time on any appropriations bill related to defense or on the defense authorization bill could offer an amendment saying we want those troops out of there. Then we would debate the wisdom of doing that. But the issue is the wisdom, not the power.

Finally, I hope General Clark's words and those of NATO General Secretary Robertson will be with us as we vote on this amendment. Just to pick one sentence from General Clark's letter to conclude, this language, if it stays in this bill:

> . . . would be seen as a de facto pull-out decision by the United States. Those measures are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitment and trust of our allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

That is what the year of uncertainty that this language, if left in this bill, will precipitate. I hope we will avoid that. I hope we will strike this language, and I yield the floor.

Mr. WARNER. Mr. President, I wish to pick up on that last sentence of the de facto decision.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Virginia.

Mr. WARNER. General Clark, again, is a Rhodes scholar, a brilliant officer, but I do not agree with him about his perception of the Congress of the United States. I believe the next President, whoever that may be—ALBERT GORE or George W. Bush—will be able to assess this situation, come to the Congress, make the case, and the Congress will act responsibly. That can be done in an accelerated fashion. It does not have to wait until next July. Indeed, we tried in the amendment to give more time.

So I close by saying to all those who want to join behind General Clark, I feel very strongly that that is a pretty severe indictment of the chain of events that are to be carefully undertaken, first, by President Clinton; second, by the next President of the United States, and then by the Congress. We must remember that we are a coequal branch. We repeat that and repeat that, but in Europe their parliamentary forms of government are quite different than ours. There is not the coequal stature with the constitution in place, with regard to their various forms of legislature, or general assemblies, whatever the case may be. They are quite different and they have to be respectful of how this situation works.

I come back to Senator BYRD's statement, which is a brilliant statement, recounting World War I, World War II, and all the participation that this great Nation has given in this century towards peace and stability in Europe.

Are they now to turn their back on that history? I say no. I say to my good friend from Michigan, and I say to General Clark, I believe they have gone just a step too far. I have more confidence in the next President and confidence that this President can make a strong case, and I have confidence in the institution of the Congress of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama. Who yields time? Does the Senator from Virginia yield time?

Mr. WARNER. Mr. President, I wonder if my distinguished colleague from Alabama will forbear. With regard to time on our side, there are a number of Senators who have indicated a desire to address the Senate tomorrow. Tonight I will put in place a UC to enable them to have a specific period of time.

I point out, this is a bipartisan decision with which we are dealing in the Senate. We have our distinguished elder statesman, Mr. BYRD, leading it. We have another distinguished elder statesman, Mr. HOLLINGS. I ask unanimous consent whereby, from the other side of the aisle, Senator TORRICELLI, Senator CLELAND, and Senator FEINGOLD each have 6 minutes apiece at their disposal. On our side, we will lead off tomorrow morning at 9 o'clock with Senator ROBERTS, and he desires 15 minutes; Senator WARNER, myself, during the course of the morning, I reserve 20 minutes for myself; Senator HUTCHISON of Texas desires 7 minutes; Senator INHOFE desires 7 minutes; and Senator SNOWE desires 7 minutes.

I want to make those time commitments to guarantee that our colleagues who have indicated to me a desire to speak will have that time tomorrow. My understanding is there will be 5½ hours of debate tomorrow prior to the vote at 2:30 p.m. which is fixed by order. The leadership may, of course, in some way change that, take leadership time, and so forth. Basically, it is 5½ hours. Senator BYRD, under a previous order, still has an hour left of his time. So that should be recited. I ask that in the form of a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I am not sure what the request is. I am sure we can work something out. We are on the same wavelength. I am not sure what the request is.

Mr. WARNER. The request is that these Senators I have enumerated be given those specific times under my control.

Mr. LEVIN. Mr. President, the Senator from Virginia has the right to control his time as he sees fit without unanimous consent. That is what is throwing me a bit. I do not know exactly for what he needs a unanimous consent relative to time under his control.

Maybe we can work at it the other way around. My good friend from Virginia and I work out these problems every day, and I am sure we can work this one out, even though it is a bit complicated on the time.

Parliamentary inquiry: How much time remains to each side?

The PRESIDING OFFICER. The Senator from Virginia has 2 hours 50 minutes.

Mr. WARNER. That is under the 10-hour agreement.

The PRESIDING OFFICER. That is under the 10-hour agreement.

Mr. WARNER. Does that include the 60 minutes allocated to the Senator from West Virginia?

The PRESIDING OFFICER. It does not. The Senator from West Virginia still has 60 minutes remaining, and the Senator from Michigan has 3 hours 4 minutes remaining.

Mr. LEVIN. Mr. President, was any of the time that was used up tonight deducted from the time of the Senator from Virginia when I was speaking?

The PRESIDING OFFICER. Whenever the Senator from Virginia was speaking, the time was charged to him.

Mr. LEVIN. I thank the Chair. What we then have is a total, it seems to me, of approximately 7 hours of time remaining that we have to fit into the period between 9 a.m. and 2:30 p.m., which is 5½ hours; is that correct?

The PRESIDING OFFICER. It is anticipated the debate will go on longer tonight or time will be yielded back.

Mr. LEVIN. Will our good friend from Alabama be speaking on this issue?

Mr. SESSIONS. I will be. I want to talk some time tonight if it is not counted against other people's time.

Mr. WARNER. The Senator can talk tonight for such time as he desires because there will be, by virtue of the time agreement by the leadership containing tomorrow from 9 a.m. to 2:30 p.m., some time yielded back by both sides tonight, in my judgment, unless the Senator from Alabama goes into extensive remarks.

Mr. LEVIN. Mr. President, it is also true on our side we have a good bipartisan group of supporters for our amendment to strike, including Senators MCCAIN, LUGAR, LIEBERMAN, HAGEL, SMITH of Oregon, ROBB, VOINOVICH, MACK, LAUTENBERG, KERRY, and DASCHLE. That is beyond the ones who have already spoken. I am not trying to allocate time for them or others who want to speak on our side tonight, other than to reassure them we are going to do as much as we possibly can with the time we have so that everybody has an opportunity to speak. While the Senator from Alabama is speaking, I wonder if the Senator from Virginia——

Mr. WARNER. I withdraw the unanimous consent request. I have stated for the RECORD my commitment as the manager of the time to the colleagues I have enumerated. I will somehow tomorrow manage that very ably to see they are recognized. Then there will be others who will come forward. I will leave it at that.

Mr. LEVIN. If our good friend from Alabama will yield one more second, it is possible we can at least divide the time tonight after the Senator from Alabama concludes so we will know how much each side has.

Mr. WARNER. First, how much time is remaining again with the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 2 hours 50 minutes. The Senator from West Virginia has 1 hour. The Senator from Michigan has 3 hours 4 minutes; that is less 2 hours 55 seconds divided between the two Senators for this portion of the debate.

Mr. WARNER. The Senator from Virginia has 2 hours and?

The PRESIDING OFFICER. Fifty minutes.

Mr. WARNER. With the addition of the distinguished Senator from West Virginia, that is 3 hours 50 minutes. The Senator from Michigan has?

The PRESIDING OFFICER. The Senator from Virginia plus the Senator from West Virginia will have 10 minutes less than 4 hours.

Mr. WARNER. Understood.

Mr. LEVIN. We have 4 minutes more than 3 hours, if anybody at this hour can figure this out.

Mr. WARNER. Our colleague tonight will consume part of my time, and we will almost be in balance at the conclusion of this evening. The vote is going to happen at 2:30, so we are running around with fractions tonight.

Mr. LEVIN. This is my last intervention before my friend from Alabama speaks. I wonder if we can get an idea of approximately how long the Senator from Alabama expects to talk tonight.

Mr. SESSIONS. If it is not disrupting Senator WARNER's time, I want about 40 minutes, give or take 5 minutes.

Mr. WARNER. Why don't we do 30?

Mr. SESSIONS. I will do my best.

Mr. WARNER. It seems to me we are going to have 5½ hours tomorrow. We will discuss this together. I will listen to the Senator from Michigan's views.

In order to get some certainty for the opening of this debate tomorrow, which will commence immediately after the Senate is formally opened and the prayer is given, Senator ROBERTS from Kansas would be given 15 minutes to be followed by Senator LAUTENBERG of New Jersey for 15 minutes. Then I will only make known that Senator BURNS, of course—he is the chairman of the subcommittee for MILCON—will undoubtedly require some time. I assure him now that that time will likewise be given to Senator BURNS.

So the purpose of my unanimous consent is to see that those two Senators be recognized in that order for a total of not to exceed 30 minutes equally divided, 15 minutes each. I ask unanimous consent that that be the order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. It is possible Senator LAUTENBERG will need 20 minutes. That additional 5 minutes will come out of our time.

Mr. WARNER. That is fine.

Mr. LEVIN. OK.

The PRESIDING OFFICER. Without objection it is so ordered.

The Senator from Alabama is recognized for up to 30 minutes.

Mr. SESSIONS. Mr. President, I have enjoyed hearing two great Senators tonight, Senator JOHN WARNER, who chairs our Armed Services Committee, and Senator CARL LEVIN, who is the ranking member on that committee. They are able patriots who are skilled advocates and who do a great job of presenting their viewpoints.

I have always said about Senator LEVIN that if I were in trouble, I would want him to defend me. I think we have a foreign policy situation that is in trouble, and he does a good job of defending it.

It is more than a legal question, however. It is a question of policy. It is a question of the commitment of American troops. It is a question of the wealth of the United States being committed to this area of the world.

I do believe our troops are doing a great job. Last year, I had the privilege, within 10 days of the end of the bombing in Kosovo, to travel there with Senator LEVIN and two other Senators. We toured that area.

I returned there, not too many weeks ago, for my second visit at Easter time. We had the privilege of meeting with troops and touring the area and celebrating Easter Sunrise Services with our troops there.

Our soldiers—men and women—are extraordinarily skilled. They are doing a great job for our country. They do what we ask of them. They have good morale. I will assure you that the morale of our soldiers is not going to be undermined if the Congress of the United States says: We are going to review this matter come next August or September or October—which is probably when we would do it because I think that is Senator WARNER's and Senator BYRD's commitment; it would actually be next October, 17 months from now.

They are not going to have their morale hurt because we have not forgotten them. They are not going to have their morale hurt if the Members of the Senate are discussing what is going on there and evaluating the situation. That is a matter that strikes me as really not good to be said. I would dispute that.

The intervention and the whole commencement of this exercise in Kosovo has been a colossal failure of diplomacy and a colossal failure of foreign policy. That is my view of it. I do not claim to be a thorough foreign policy expert, but I have watched this matter from the beginning. A lot of people have not done so. We have gotten confused about what has happened.

Senator JOHN WARNER, time and time and time again, since this involvement in Kosovo began, has done his best to support the President, even when he had doubts about it. He supported the Secretary of Defense; he supported the Chief of Staff; he supported General Clark because he felt it was his duty to do so. I know he was uneasy about that.

But how long do we go? It has been a year now. We are talking about having a vote a year from now again to see whether or not we want to continue there. What is so dangerous about that? Why are people so afraid to have a debate and a vote? I do not understand that.

I think it is our duty, as Members of Congress, who represent the taxpayers of this country—who pay our salaries and pay the cost of that war effort that has come out of our defense budget—to confront this question and make some decisions about it. If anything, I believe we have been too lax. We have been too unwilling to confront the challenges that have occurred and too unwise about how to go about that.

So this Warner-Byrd amendment is a bipartisan amendment. It came out of the committee 23–3. That is the kind of vote we got in the committee. It has powerful support, broad bipartisan support. It is not extreme. It is not irrational. It is not going to cause NATO to collapse.

We have done our bit in Kosovo. Make no mistake about that. We have done our bit there. So the Congress has been patient. We have supported the President. He consistently misled the people of the United States and this Congress.

I remember upstairs, in the secret room, we had our briefings. And they started talking about this bombing. They said it might be over in 3 days; it might be over in 10 days. I remember one of our Senators asked: What if it is not? What if the bombing does not work? What do we do then? And they said: We believe it is going to work. I decided then if we did not have a plan better than that, we did not need to go into this operation.

But let me share what really happened.

Basically, what happened in this area, as I see it, is Milosevic started a nationalist campaign in Serbia and Yugoslavia that was very dangerous, horrible, unwise, that destabilized this whole area and helped lead to the tragedies that we have today. There is no mistaking that.

Remember now, though, before this bombing started we had 1,000-plus peacekeepers in Kosovo. We had some violence, periodic violence. This was with KLA guerrillas fighting, ostensibly, the Serb Government.

So we had a situation there which was definitely deteriorating in some ways. The Serb and KLA forces were sparring, but it was not out of control. We had 1,000 peacekeepers there.

We made a number of efforts to negotiate a peace agreement that could have provided for an orderly transition in that area to a more just society.

That was our goal and responsibility. I think it was a challenge that was difficult but could be met.

Not long ago, in the Old Senate Chamber, right off the Rotunda of this Capitol, we had Senator George Mitchell, who did the peace negotiations in Northern Ireland, as our speaker at the Majority Leader's Lecture Series.

He told us how he accomplished it in the face of the intractable forces that seemed to be at work. He said: There we kept talking. He said: I learned from the Senate that people can talk and talk and talk. And I would let them talk. They would talk and talk and talk. They would completely get everything out of their system. We would stay there into the night, day after day after day. Tensions began to go down. People began to think more clearly about the possibility they could work out their differences.

But that is not what happened here. I have often thought if we had had George Mitchell in Yugoslavia instead of the ''masters of the universe'' that we did have, who thought they could dictate a peace agreement and make it happen, we might have avoided this war.

The fact is, as the Economist Magazine said a few weeks ago, maybe it could not have been avoided, but it did not have to be started as soon as it did, and there was a chance it could have been avoided if we kept the negotiations going. I have no doubt about that.

Remember what happened. Our leadership demanded that the Serbs and the KLA—the Kosovars—come to Rambouillet, France, where we would begin to have a peace conference. We were just going to settle this thing, like a mama bringing two children together. We were just going to bring them together, and we were going to get together and settle this once and for all. And as time went along, the President said: You are going to reach a peace agreement, or the United States is going to bomb you. NATO is going to bomb you.

They would not agree. They kept on fussing, and they could not reach the agreement. Things were really tense. Henry Kissinger referred to that as a reckless event; it is a dangerous, high-risk operation to risk everything on a Rambouillet peace conference under those circumstances.

I asked Secretary of Defense Cohen—and I serve on the Armed Services Committee—in the history of the United States, had he ever known of a circumstance in which the United States got two contesting, contending parties together and said, if you don't agree to the peace agreement I write up, we are going to bomb you? Of course he said no. This is unprecedented, in my observation, in the history of the world.

So we did that, and we undertook this reckless gamble, and we were just going to force these people to do it. You remember, even the Kosovars would not agree. They left the agreement, and then the Serbs were going to leave the agreement. Apparently the Americans told the Kosovars: You come back and sign this thing because we really will bomb these guys. If you will sign it, we will make them sign it. So they came back and the Kosovars signed, but the Serbs would not.

By the way, the agreement we were asking them to sign basically said we can send troops throughout Yugoslavia, anywhere we want to—NATO can send troops anywhere.

It is very difficult for any nation that had any respect for its sovereignty to agree to some of the things that were in that agreement. Regardless, they would not sign it. Days went by, time went by, and people were saying: You promised, Mr. President, you were going to bomb. You are not going to bomb. You can't be trusted. Your word was not good.

He was under investigation and had his credibility questioned severely right in this body by the American people. So it was a question of would he follow through on his worldwide public commitment to start a war. Of course, eventually, he did. He started to bomb.

I want to mention how that was conducted, but I will just say this about it. The Air Force general who conducted that war testified in a postwar congressional hearing in the Armed Services Committee, and I was there. I remember asking him—he was unhappy with the fact that he was not allowed to start the bombing aggressively, that he was dictated to targets he could go after. There were only certain limited targets, and it was a slow start. He opposed that privately. He was very aggressive, and he warned that that was not the way to do a war.

If you are going to get involved, you have to go with full force, aggressively at the beginning. We have learned that over the years in this country. But, oh, no, we had to get all 17 NATO nations to sign off on every target. And somebody would object, and they would object, and you could not do this target or that target, and only these limited targets so nobody would be injured, and we started off with this slow bombing campaign.

Now, 3 days after that, the big event happened. Remember, we have been told repeatedly that the reason this war commenced—and we have almost forgotten the true facts of the situation, but we were told we were commencing and carrying out this war to stop ethnic cleansing. There had not been ethnic cleansing until the bombing started. It was 3 days after the bombing started that Milosevic sent his troops south into one of the most vicious displays of violence that I suppose anyone has ever seen against a basically defenseless people. They burned houses, ran people out, moved families and children. You saw them on TV. They were on wagons; they were walking; they were on mules and on horses, trying to survive in those camps. They ran them out.

I say to you, do not let anybody make the case that we had to bomb to stop that kind of ethnic cleansing. The ethnic cleansing started after we started the bombing—3 days. This effort with the NATO air campaign—what a blunder that was.

By the way, we also announced that in the conduct of this war we would never use ground troops. That gave Milosevic a serious basis for confidence that certain things would not happen. He would not be threatened by events by which he could otherwise have been threatened. We were unwilling to use troops. He didn't have to prepare certain defenses because we eliminated the possibility that ground troops would be used.

We were told this would be a joint air effort and we would have planes from other countries. Others did participate, but 75 percent of the actual combat missions were flown by U.S. pilots. In fact, it is a true statement to say that NATO meant to deploy the U.S. Air Force. They told our Air Force whom to bomb, when to bomb, and how to do it. They rejected our air commander's advice about how to conduct the war, and even General Clark's advice on many matters.

So I asked our Air Force commander did he oppose this and did he think it was wrong the way they started controlling the targets he thought should have been hit. He said, ''Yes.'' I asked him, ''Did this prolong the war?'' He said, ''Yes.'' I said, ''Did it cost innocent lives because they didn't follow your advice?'' He said, ''Yes, sir.'' Why? Because President Clinton and Schroder and Tony Blair were conducting a political war, not a real war, in many ways.

It took 78 days to complete this thing, resulting in the complete ethnic cleansing of Kosovo and extraordinary damage in Yugoslavia and in Kosovo and in areas surrounding there—a colossal disaster. How can anybody suggest otherwise? This was not a great victory, as some have tried to portray it. It was a disaster that, Lord knows, we should have done everything to avoid. As Henry Kissinger and others told us: If we get in there and deploy, it is going to be difficult to get out. We are going to be stuck. You do not want to be committed in the midst of these hostilities to a long-term occupation in Kosovo and those areas. You will find it difficult to get out.

That is exactly what happened. In addition to this, our relationship with Russia soured. Russia is a big-time world power. Russia had the opportunity to be our ally. But our relationship with Russia over the last number of years has deteriorated. If you think this war didn't have anything to do with it, you are mistaken. They were very upset about the way this was conducted. It was basically a NATO attack on a non-NATO nation which posed no real military threat to any other NATO nation. They didn't like that. They have an identity with the Serbs. So it made the Russians very unhappy.

Another nation that was very unhappy and with whom our relationship suffered was China. We, in the course of this, hit a Chinese embassy. They didn't like this from the beginning. They didn't like the idea of NATO attacking an independent sovereign nation. They opposed that and were paranoid about that. Then we hit their embassy, and that made it worse.

We were told we had to end this war to help the economic growth and prosperity in the Balkans. Well, let me ask you, does anybody believe this war has helped the economic condition in Kosovo, Romania, Bulgaria, Slovenia, Croatia, or Macedonia? It has been a very unfortunate setback for those areas. Investment has slowed down substantially. People are nervous about investing in Yugoslavia and in those other areas. Don't forget, Yugoslavia itself has really been savaged.

The whole area has not benefited, in my view, as a result of this war. How can it be argued otherwise?

It has been a constant drain on our defense budget. I serve on the Armed Services Committee. I am very concerned about our inability to find necessary funds to take care of our soldiers' salaries and health care, and to keep our retention and recruitment up. Every day I see a need to invest in new weapons that we may need to have on the battlefield 10 or 15 years from now. We don't have the money to do it. I see $2 billion—$1.7 billion in consecutive years—going into Kosovo. That is real money that could do incredible things for our Defense Department.

We are also troubled by Operation Tempo, the OPTEMPO, and the requirements placed on our men and women in uniform to be away from home.

When you are there you see how dedicated our men and women are. When I was there this past Easter, we arrived at Camp Eagle Saturday night at 7 or 8 o'clock. I was there at 8:30 p.m., and a young officer that I knew asked me if I would be interested in speaking to a class. I said sure, I would be glad to. It was a political science class. ''Come on and go with me.'' I was walking off. This is Easter Sunday, a weekend, on a Saturday night at 8:30. There is a class going on. Sure enough, there were 25 soldiers studying a college class after a full day at work. The hours are basically 12 hours a day, or 10 hours a day, and sometimes 14 or 15 hours a day, counting PD. They give themselves totally to it and are tremendous soldiers. They are doing what they are called upon to do.

We also were there when with the Texas National Guard. We visited them. The Texas National Guard has 700 National Guard members who were taken from their communities and sent there to operate the command center. They are doing a great job.

But with regard to all of the soldiers, guardsmen, and active duty, they have families. They know that this is not an action that is critical to the national security. They feel as if they are helping. They feel as if they may be keeping people from shooting one another. But they wonder if it is ever going to end. Is it getting any better? Are they in the long term really being successful in what they are doing? When they call their wives and family—they have young children—they wonder whether they need to reenlist because they count up how many months and weeks and days of the last 1, 2, 3, or 4 years they have been away from their home while their children are growing up. They are wondering whether or not they want to reenlist and stay in. We can't ask too much of our soldiers. We have a limited number of troops. Our active duty forces are down 40 percent, really more than 40 percent in personnel since the wall fell. That is a major reduction.

But our OPTEMPO is higher than it has been any time in recent memory. We have troops committed all over the world. It drains us financially. It drains our families and servicemen and servicewomen. It causes them to wonder about whether or not they should reenlist.

I don't think it is wise. We have to be sure what we do.

I suggest that this Congress has been supportive of our troops. We made sure they had sufficient resources to build quarters, if the Army asked for them. If you go over there and look at them, they are permanent quarters. We are talking about having our troops out shortly. We bring a police force in, and when we create a local government, our troops get out.

I was in Bosnia and Kosovo a few weeks ago. When we asked how long they would be here, and how long will it be before you can leave, they had no answer. They just would not say. They would not tell you that they saw any prospect that circumstances were such they could easily leave.

In Bosnia, after 5 years of commitment, they were just a few weeks ago having city elections.

Can you imagine that? The United Nations is supposed to create civil government. We are supposed to be able to get our troops out. It has been 5 years, and they just now are beginning to have a civil government.

Many nations committed to sending over 5,000 police to Kosovo. These are retired police officers, and police officers who took a leave from various countries. They were supposed to go into the towns and cities in Kosovo and help create law and order, create a legal system, and create a government. We wanted to have government there. It is not happening.

We have committed our police there. But many of the NATO countries have not gotten their police there. They have not been effectively led, in my opinion, by the United Nations. The government building plans of the United Nations are not being effectively carried out.

What does that mean? Does that mean we just stay there forever?

Both Senator WARNER and Senator BYRD are saying we need to talk about this thing. We represent the people of the United States of America who are putting up $2 billion a year for this operation, and we want to know what is going on.

I don't often agree with BARNEY FRANK in the House of Representatives, but he said in the debate on this issue that we are just ''enabling'' the Europeans and the U.N. in their bad habits. We are enabling them. We could stay there, stay there, stay there, and they don't have to complete what they promised to complete to create a civil government.

Who pays the bill? The American taxpayers pay the bill.

We have a responsibility in this Congress. We have not really had a debate in this Congress since we voted on whether or not to allow the President to proceed with the air war when it happened.

We have not discussed this issue seriously. The American people have not heard it discussed here, and neither have we debated it on the floor of this Senate.

I salute Senator WARNER and Senator BYRD for, if nothing else, causing this debate to be joined.

People ask me about it. How did this happen? I thought you had to declare war. What is the matter with you Congressmen and Senators? The President just sends troops anywhere, starts dropping bombs anywhere, and you guys are just there like a potted plant?

That is basically what has happened. We have been sitting here allowing it to go on and enabling the Europeans and the U.N. to fail to fulfill their responsibilities while the taxpayers pay the bill.

I wish it weren't so. I think the people in Kosovo and in Bosnia are wonderful people. I don't know how they got into this kind of hatred and bitterness that leads to this kind of violence. But it is reality. We have the ability to do something about it.

I recall that General MacArthur was able to create a government in Japan, and General Marshall and General Eisenhower reestablished Germany after being devastated in World War II.

We have a situation in which nobody is really in charge. Nobody is being held accountable.

At our hearings, the witnesses and even the military witnesses started talking about the international community. I asked: Who is the international community? Well, it is the groups of NGOs, private organizations, the World Bank, and NATO and all these things. I said: Do they meet somewhere? Do they vote? Do they make commitments? Do they sign agreements that they will do certain things as a group, this international community? No. Who does? NATO, U.N., and individual nations. That is who makes agreements that stick by them or don't stick by them. We have not held the U.N., NATO, and European

nations accountable. We have enabled them to continue in their bad activities. We need to stop that. We have a responsibility. I am not saying we need to pull out right now.

They say: Just vote to cut off funds; that is all you have to do. Don't vote for this resolution; it is something next year. Just vote to cut off funds.

What would happen if we did that? They would say: This is horrible. You can't vote to cut off funds. We haven't made any plans for it. You just up and cut off funds; that is an unwise and risky thing.

I agree. I don't think it would be wise to vote to cut off all funds and bring troops home tomorrow. I am not sure that is a wise process.

I like the idea of this amendment that says: NATO and all the European nations, if you don't fulfill your commitments, we are getting out of there. NATO, other European nations, we expect some progress made in establishing a civil government and we will vote a year from now and debate this issue. We hope things are improving and we can continue to be phasing down our troops and getting ourselves out of there. But you need to know that we are not a rubber stamp or a potted plant. This Congress does not have to keep funding this operation. You can be sure next July we will have that vote and some progress needs to be made. We need to see something working.

The truth is, we are stuck. The question is, How do we get unstuck? Just vote to get out all at once? I think this kind of legislation is far better. I believe it is the right approach. I salute Chairman WARNER.

Somebody said a majority of the House of Representatives didn't vote to support this effort. They didn't vote to support it. They didn't support it. They didn't think it was a good idea. They allowed the President to do it, and they provided the funds to him to do it but they haven't liked it. When called on to vote, they didn't vote for it.

Mr. President, 39 out of 100 Senators in this body voted against the bombing. It has never been a universally supported activity. I don't know why we would have been afraid to have a vote. Why would it be that the Senate would be afraid to set a date to have a debate? I think that is what we should do.

Let me say one more thing as I begin to close and bring this into context. I do not believe our Nation should be isolationist. I do not believe our Nation should withdraw from the world. I do believe there may be times that we are going to have to intervene all by ourselves, perhaps to preserve humanitarian rights, to protect the lives of innocent human beings when we have no strategic interest at all. But we have to be careful about that. We provided the military force, the air force to win this war. This is a European area. It is the backdoor of Europe. Kosovo has only 2 million people. We will debate in a few days giving aid to Colombia; Colombia is a nation of 38 million. No other country will help Colombia. On a scale of 1 to 10, they are far, far more important to this country than Kosovo, an agrarian area in the backdoor of Europe where European nations have a much more important interest in it than we do.

We helped them. We did our role for NATO. We won the war. We did the bombing. We got the Kosovars home. I would never have proposed stopping that bombing after those Kosovar people had been run out of their homes. We had to see it through to the end once it started. I believe it could have been avoided. It strikes me odd that many Members on the other side of the aisle, the Democratic side of the aisle, tenaciously fought President Bush in his effort to deal with the problem in Iraq and Kuwait. That effort was clearly in the national interests of the United States.

Saddam Hussein was an expansionist. He moved, using the wealth he had and the large population and army he had—unlike little Kosovo—south into an independent nation that had even more oil and took that nation of Kuwait. Everybody knew he would be turning his attention next to the other gulf states, to Saudi Arabia, and his plan was to take over all of the Middle East and all of its oil and use that wealth to create an army that could threaten the peace of the whole region. That was a threat. It was opposed almost unanimously by the Democrats in this body. By only a few votes was President Bush able to convince us of that war, a critical act for the United States. It would have been an absolute disaster had we allowed that to happen. We had to act.

That is what the role of the United States is. This didn't meet any of those criteria. It does surprise me where we don't have a national interest, people want to involve themselves. Our resources are limited. I have been on the budget. We need the best soldiers, the best planes, and the best weapons in the world. We never want to see our soldiers be subjected to the kind of attacks of the Iraqi Army, being slaughtered by superior force. We never want to see that happen.

How do we keep it from happening? We maintain a technological edge. How do we do it? We spend money on it. But if we are spending $2 billion a year in Kosovo, spending money in Haiti, Somalia, or East Timor, time and time again, it affects our ability to modernize our military. Actually, it was that technology that allowed us to win. There are going to be other challenges. We will have other challenges. I believe we can meet them if we are not overdrawn.

Recently, the Armed Services Committee heard from Ashton Carter, now a professor at Harvard. He served for several years as a high official in the Clinton Department of Defense. He talked about what the United States ought to be doing there. He said we keep talking about being in a post-cold-war era. He said that has been 10 years. All that means is we haven't developed a foreign policy for the future. That means we don't know what we are doing. We are in a post-cold-war era. We need a new vision for America.

He suggested what we ought to do. He gave three lists of threats to this country: the A list, B list, and C list. The A list were threats from Russia, China, terrorism, and chemical warfare. This war in Kosovo has damaged our relationship with Russia and China.

He listed a B list. He said a B list threat would be serious, perhaps a war in the theater of Northeast Asia or Southeast Asia, a major war in one of those areas. That could happen. That could threaten the United States.

He listed a third list, the C list, and this is what he put on the C list: Kosovo, Bosnia, East Timor, Somalia, Haiti. His comments were that we are spending our time and our money reacting to events on the C list and not focusing our time and resources in confronting those threats that jeopardize the freedom and peace of this world.

That is what the role of the United States is to be. We have to be ready for the big threat. There is a limit to how many of these wars in which we can be involving ourselves.

Mr. President, I have great affection for the people I have gotten to know in Kosovo and Bosnia and Croatia. I am impressed with the struggles they are undergoing, and we want to help them, but we have done our bit. We have conducted this war. We have gotten the Kosovar people back home. We have done everything we could. I wish we had done it smarter, but we committed and we stayed through and we have gotten them there. Now the question is, Do we stay forever? Are we going to have an ability in this Congress to confront the future? Do we have a right to demand the President of the United States submit to us a plan for continuation there so we and the American people can evaluate it and vote yes or no? Is that unreasonable? Is that going to destroy NATO? Is that going to destroy the morale of our troops? I say no.

As a matter of fact, it will be healthy for NATO to realize we are not going to continue to enable bad policies to continue. It will be good for our troops to know we are debating and caring about them, trying to make the right decision about them. I believe the Byrd-Warner bill is a reasonable and fair bill practically. I believe it validates the historic constitutional responsibilities of the great U.S. Senate. We are not potted plants. We do have a responsibility, and we ought to perform it.

I salute Chairman WARNER. I have never seen a person I admire more. I have never seen a person with greater commitment to the good of this country. He believes it is time for us to make some decisions, enter into some debate, and involve the American people.

So I say it is the right thing to do. I have enjoyed being there, enjoyed meeting our troops. I do not want to do anything that would hurt them. But I am not one who believes we have to sit here and get a letter from General Wesley Clark and hide under the table. He did not get elected. He does not have the responsibility to make choices among health insurance, defense, and criminal justice, as we do. He does not have to go back to his voters and explain why it is in our critical national interest that their young men and women are committed around the globe, as we do.

I believe we can improve this commitment. I believe we can improve our effort in the world if we talk about these issues more openly. I believe this bill will lead us in that direction and I support it. I am proud to do so.

The PRESIDING OFFICER. The Senator from Alaska.

MARITIME PATROL AIRCRAFT

Mr. STEVENS. Mr. President, I do not want this issue to come up tomorrow at the markup on the defense bill, so I am doing this tonight so there is no misunderstanding.

Not long after visiting Joint Interagency Task Force East an learning of the lack of readiness in the maritime patrol aircraft fleet, I made a second trip to Joint Interagency Task Force West and Coast Guard Pacific Area to determine whether this was a nationwide problem, or simply a problem of resource allocation.

Unfortunately, what I learned is that the Coast Guard is in dire need of additional maritime patrol aircraft to backfill, supplement, and expand the Coast Guard capability to meet the many defense-related, drug interdiction, maritime enforcement and protection, and other aviation related missions.

This amendment, which has been cleared on both sides of the aisle, is a first step toward addressing this glaring deficiency in our operational readiness in Coast Guard maritime patrolling capability.

This amendment provides for the acquisition of six C–130J aircraft which will provide a unit size capability and allow the better allocation of all Coast Guard maritime patrol aircraft resources nationwide.

I send the amendment to the desk and ask that it be considered as part of the managers' package when it is presented.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I applaud the Stevens/Coverdell amendment submitted tonight by the Senator from Alaska, appropriating funds for six C–130Js for the Coast Guard. Senator STEVENS knows first hand of the Coast Guard's need for additional maritime patrol aircraft to meet the multiple aviation missions with which they are tasked. Through my close work with the Coast Guard and their efforts in our nation's war on drugs, I have also seen the need for these planes.

In 1998, Senator DEWINE and I introduced the Western Hemisphere Drug Elimination Act which restored a balanced drug control strategy by renewing our nation's commitment to international drug eradication and interdiction efforts. A crucial component of this strategy is the work the Coast Guard performs in guarding America's shores from drug dealers. One of the many areas the Coast Guard identified as needing improvement to fulfill this mission was their maritime patrol aircraft fleet. Coast Guard Commandant Admiral Loy said, in reference to the demands placed on the C–130 ''We've lost a full 25 percent or our availability while piling on additional mission requirements.'' It should also be noted that the Coast Guard flies their C–130s a third more hours than do the military services each year and the services own significantly more C–130s than the Coast Guard does.

Mr. President, the Western Hemisphere Drug Elimination Act passed the Congress just two years ago and now, through this amendment Senator DEWINE and I have cosponsored with Senator STEVENS, we are seeing the fruits of that effort. I am pleased to see that Congress is working to help the Coast Guard meet its many missions, particularly its efforts to end the scourge of illegal drugs plaguing this country.

Mr. WARNER. Mr. President, yesterday, the United States Senate took a procedural vote on Senator DASCHLE's amendment to S. 2521, the military construction appropriations bill. Senator DASCHLE lost this procedural vote by 42–54.

I did not support the Daschle amendment at that time because it was a procedural amendment to an unrelated bill. This unrelated Daschle amendment kept the Senate away all day from the important business of the military construction appropriations bill. In addition, it appeared that the Daschle amendment might indefinitely delay consideration of this important bill. As chairman of the Senate Armed Services Committee, I have a responsibility to secure passage of the important military construction appropriations bill. This bill provides critically needed funding for military construction projects, improves the quality of life for the men and women who are serving our country in the armed forces, and sustains the readiness of our armed forces. These areas are traditionally underfunded, and this bill provides the necessary funds to help make up for this shortfall. For these reasons, I did not support the Daschle amendment when it came before me on a procedural vote on May 16, 2000.

Subsequent to the procedural vote on the Daschle amendment on May 16, 2000, Senators LOTT and DASCHLE reached an agreement to have two up or down votes—one on the aforementioned Daschle amendment and another on an amendment to be offered by Senator LOTT. Under the agreement, debate on the amendments was limited by a time agreement.

Once this leadership agreement was reached, it became apparent that the Daschle amendment would no longer indefinitely delay the military construction appropriations bill. Therefore, my previous objections to this amendment were no longer relevant.

The Daschle amendment is a sense-of-the-Senate amendment. After stating a number of findings, the amendment states, among other things, that it is the sense of the Senate that ''Congress should immediately pass a conference report to accompany'' the juvenile justice bill that includes the Senate passed gun-related provisions.

During the Senate's debate of the juvenile justice bill in May of 1999, I supported the Lautenberg amendment, and other amendments to close the gun show loophole in the Brady act. I also supported an amendment to require licensed firearm dealers to provide a secure gun storage or safety device when a handgun is sold, delivered or transferred. Unfortunately, the juvenile justice bill has been locked in a House and Senate conference committee.

I remain firm in my stance on these issues. I certainly hope that House and Senate conferees can reach an agreement in conference on the juvenile justice bill. And I will continue to support the common sense gun provisions that passed the Senate during the juvenile justice debate. I believe the Senate passed gun-related amendments to the juvenile justice bill will help keep guns out of the hands of convicted felons and increase public safety without infringing on the rights of law-abiding citizens. Therefore, when it became clear that the Daschle amendment would not indefinitely delay consideration of the military construction appropriations bill, I supported this amendment.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING ROD DEHAVEN

Mr. DASCHLE. Mr President, it is a great honor for me to represent the people of South Dakota in the United States Senate. On occasion, I have the opportunity to recognize individual South Dakotans for their accomplishments, and, today, it brings me great pleasure to focus the attention of everyone in this chamber on one of South Dakota's most talented and determined athletes.

Rod DeHaven, a native of Huron, South Dakota, and a graduate of South Dakota State University, won the U.S.

Olympic Marathon Trials last week in Pittsburgh. Braving eighty degree temperatures and high humidity, Rod fought off the sweltering weather and his competition and completed the race in just over two hours and fifteen minutes. Rod's incredible effort and inspiring victory in Pittsburgh earned him a spot on our Olympic team, and later this year he will travel to Sydney, Australia, to represent the United States in the marathon in the 2000 Olympic games.

Anyone who has ever trained for or run a marathon can tell you without equivocation that the work required to put them in a position just to finish the twenty-six mile race is exceptional. Having run my first marathon last year, I can only imagine the extraordinary effort it must take to compete and win at the national and international level. Rod DeHaven—who, in addition to training for marathons and working full-time as a computer programmer—is also raising two young children with his wife, Shelli, clearly has the work ethic it takes to be a great long-distance runner.

Last week in Pittsburgh, however, Rod proved that he had much more than just a strong work ethic. In outrunning some of this country's toughest competitors in extremely difficult conditions, he also proved that he has the heart and courage of a champion.

Rod learned what it takes to be a champion growing up in South Dakota. As a member of the Huron Tigers cross-country and track teams in the eighties, Rod was a cross country state champion in the fall of 1983, and in track, he was state champion in the mile, two-mile and two-mile relay in both 1983 and 1984. Rod attended college at South Dakota State University where he won the North Central Conference cross country championships as a freshman and the NCAA Division II indoor 1500 meter championship as a sophomore.

South Dakota has produced some tremendous long distance runners through the years, and Rod DeHaven is the latest in that great line. In 1964, another young man from South Dakota named Billy Mills stunned the world with his remarkable victory in the 10,000 meters in the Tokyo Olympics. Billy's story became legendary, and it is no surprise that in a state known for hard work, we are now sending another one of our best to compete in one of the Olympic Game's most challenging and difficult events.

All of South Dakota is pulling for Rod DeHaven as he heads to Sydney, and we wish him the best of luck as he strives to be the next gold medal winner from our great state.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 15, 2000, the Federal debt stood at $5,669,366,486,429.39 (Five trillion, six hundred sixty-nine billion, three hundred sixty-six million, four hundred eighty-six thousand, four hundred twenty-nine dollars and thirty-nine cents).

Five years ago, May 15, 1995, the Federal debt stood at $4,882,765,000,000 (Four trillion, eight hundred eighty-two billion, seven hundred sixty-five million).

Ten years ago, May 15, 1990, the Federal debt stood at $3,092,310,000,000 (Three trillion, ninety-two billion, three hundred ten million).

Fifteen years ago, May 15, 1985, the Federal debt stood at $1,752,019,000,000 (One trillion, seven hundred fifty-two billion, nineteen million).

Twenty-five years ago, May 15, 1975, the Federal debt stood at $520,109,000,000 (Five hundred twenty billion, one hundred nine million) which reflects a debt increase of more than $5 trillion—$5,149,257,486,429.39 (Five trillion, one hundred forty-nine billion, two hundred fifty-seven million, four hundred eighty-six thousand, four hundred twenty-nine dollars and thirty-nine cents) during the past 25 years.

ADDITIONAL STATEMENTS

FIRST PLACE ESSAY WINNER ADRIENNE MAXWELL

• Mr. BURNS. Mr. President, I rise today to acknowledge the achievements of an outstanding student from Somers, Montana. Each year the American Association of University Women—Montana sponsors an essay contest for high school students in grades 10–12. The subject of this essay contest is ''Women in Montana.'' Students are to research and write about Montana women who have contributed to the quality of life of this wonderful State.

This year's top essay was written by Adrienne Maxwell, an outstanding young woman attending Flathead High School. Her essay was chosen the best of all those in Montana and received first place in the contest. She writes about her mother, an immigrant who is no stranger to sacrifice and struggles, but believes through hard work comes triumph. Her essay tells the story of a woman with the true spirit, drive, and determination to achieve her goals while making a home for her family in a new land and never failing to give generously back to her community.

I am pleased to acknowledge, on behalf of all Montanans, Adrienne Maxwell's achievement and ask that her essay ''Katherine Maxwell: A Montana Immigrant'' be printed in the RECORD.

KATHERINE MAXWELL: A MONTANA IMMIGRANT

(By Adrienne Maxwell)

The first women to come to Montana were often immigrants from other lands. They left their homes, knowing they would probably never again see the friends and relatives they left behind. Once here, they worked hard every day, to make a good life for their families. My mother, Katherine Maxwell, is an immigrant as well, though she arrived in Montana in 1983 and not 1883. She did not face life on the frontier, but has shown some of the same qualities of hard work and determination to succeed shown by early Montana women.

As a child in Upper Hutt, New Zealand, Katherine developed a strong work ethic at a young age with the encouragement of her strict, yet supportive parents. The oldest of four children, she was expected to always do her best at school and to do her chores well, and with a good attitude. Her dad was the manager of Carey's department store. In fact, Carey's was where Katherine began working, at age twelve, doing small jobs in the back warehouse. As soon as she reached the legal age of fifteen, she worked during school vacations as a shop assistant. As the ''boss' daughter'', she had to be a model worker.

She studied at Victoria University in Wellington, New Zealand's capital city. She majored in History, and minored in English, then obtained a law degree. Part-time jobs in college included working as a nurse's aid in a geriatric hospital, test-tube cleaner in the biochemistry department (''grosser than the hospital''), receptionist in a doctor's office, waitress, and law clerk. Through her hard work, she managed to graduate debt-free. She then worked in the legal department of a government department, and later as an associate attorney with the old established law firm of Lane, Neave, and Co., in Christchurch. She didn't know before she attempted it whether or not she would be a good trial lawyer, but thrown in the proverbial deep end, she swam!

However, as a child she had had another dream, a dream of traveling the world. So she saved every penny and made plans for her overseas trip. As a final sacrifice to the travel fund, she sold her first and beloved car, the elephant-colored and shaped ''Horton'', a 1957 Wolsely.

Katherine globe-trotted for about four years, picking up odd jobs every now and then, to pay for her next plane ticket. Finally it was time for her to settle down and get serious about a career. Those plans were derailed when, through an odd set of circumstances, involving at least three continents, she fell in love with and married my father, and ended up in Kalispell, Montana, in a little house and their first child, me, was born.

Although her life differed markedly from that of a pioneer woman (she spoke English, and had the necessities of life) being a newcomer and far from friends and family, with a new baby to care for was lonely and difficult at first. She adapted, and like those early women, got to work, making a home for her family and becoming part of her community.

Although her first, and most important, Montana job was to raise her children, Katherine knew she wanted to help people outside her small family. She believed becoming a lawyer was impossible, as her law degree was not from an ''American Bar Association Approved'' law school. When she heard Montana Inter Country Adoption was looking for a part-time social worker, she thought she could do the job and applied for it. Traveling all over Western Montana, she visited the homes of hopeful adoptive parents, and assessed whether or not this would be a suitable home for a child from overseas who needed a loving family. She loved being a part of creating families, bringing together parents and children. When the agency closed she was forced to think of a new career.

As she began to consider a career in law once again, as a paralegal, she realized the

fact that she couldn't use a computer or type might be a problem so she went back to school and learned how. When she thought she was qualified, applied for a paralegal position at Warden, Christiansen, Johnson and Berg, the oldest, and largest, law firm in Northwest Montana.

She enjoyed working as a paralegal, but missed the responsibility of having her own clients. With the encouragement of her employers, she petitioned the Supreme Court for the opportunity to take the bar exam. Such petitions are rarely successful, and she was shocked when hers was. The review course she took during a sweltering Montana summer, was the hardest work she had ever done. Leaving her family to live in her ''little cell'' of a dorm room was hardly an ideal way to spend June and July. Yet she hoped that if she studied night and day, she could reach her goal. After the three day test was over, she felt discouraged. She could just tell that, despite her efforts, it was too much to cram four years of law school into six weeks. Katherine drove home, and was prepared to take the exam again in a few months' time.

Then, in early September, the letter came. To her amazement she had passed the impossible exam and she was a lawyer again.

The work didn't stop there. To this day, she continues to get to the office early, and stay late if necessary, working her hardest to make sure her clients get the justice they deserve. Her life story so far may not be one of enduring the rigors of a life in a newly settled land, but she has shown the same qualities: having the drive inside of her, to get up each day, work her hardest, and provide for her family. The true spirit shared by all Montana women has always been that although there will be struggles, through hard work, you will triumph. Katherine Maxwell is the perfect example of this spirit.●

YOUTH HONORED FOR VOLUNTEER EFFORTS

● Mr. DORGAN. Mr. President, allow me to tell you today about the extraordinary efforts of our youth volunteers we have across the country. Last week, there were week-long activities and ceremonies to honor over 100 young people chosen for their exceptional volunteer projects from across the nation as part of the 2000 Prudential Spirit of Community Awards program.

I specifically want to congratulate eighteen-year-old Jason Koth of Grand Forks, North Dakota, and fifteen-year-old Scot Miller of Fargo, North Dakota, both from my home state. They were named the top high school and middle level youth volunteers in North Dakota last February, and were two out of 104 youth honored out of millions of youth in the United States.

Jason was recognized for his fundraising efforts for the Make-a-Wish Foundation. Scot helped raise funds for a city library expansion project and started a community recycling program. In recognition of their community involvement, they each received a $1,000 cash award, an engraved silver medallion and an all-expense paid trip to Washington, D.C., for last week's events.

I am honored to have been a part of the 2000 Prudential Spirit of Community Awards Ceremony on May 8, where Senator SUSAN COLLINS and I had the opportunity to recognize the outstanding accomplishments of this group of youth volunteers.

The Prudential Spirit of Community Awards were created by Prudential in 1995 to encourage youth volunteerism and to identify and reward young role models. It operates in partnership with the National Association of Secondary School Principals.

We should all take a moment to feel great pride in our nation's youth. These students show exactly what type of compassion and commitment is possible at any age. With their community spirit, our future is in good hands.●

A TRIBUTE TO THE LIFE AND LEGACY OF HARRY L. GARDNER, SR.

● Mr. BIDEN. Mr. President, today I rise with great sadness. On Monday, May 15, 2000, Harry L. Gardner, Sr.—a quiet giant in the long history of Delaware civil rights—died. He was a man whose very presence, literally, brought calm to the most difficult, seemingly intractable problems of race at the height of the civil rights movement in Delaware.

When citizens first heard that the Reverend Dr. Martin Luther King had been assassinated in April of 1968, what was once a cauldron of mounting tension between disillusioned African-Americans and Whites exploded into a series of violent and destructive acts—on both sides—reflective of unrest, resentment, and downright anger.

As you may know, of the many inner-cities ravaged by full-scale rioting and violence during this time period, Wilmington, Delaware—my hometown—was the only urban area where the National Guard occupied the city for an extended period of time. Indeed, for nine months, police officers and guardsmen patrolled the streets of Wilmington in an effort to bring order to what was seen by many in the mainstream as chaos.

As a young attorney, continually advocating for equity and social justice for African-Americans and other minorities, I saw things quite differently than many of my mainstream counterparts.

There were reasons for my own view: my Mom and Dad, who taught many lessons about the importance of equality, liberty and justice for all citizens; the people of East Side and East Lake, predominantly African-American communities where I spent a few summers life-guarding for neighborhood children; and African-American leaders like Harry L. Gardner, who taught me to believe that if I could not change the world and the view of race relations, there was no reason that I could not set a standard by which I lived my own life and became an example for others.

This was, in fact, the beauty of Harry Gardner. For 35 years, I had the pleasure of knowing a man whose deep respect for people engendered a deep respect for him. During the period of National Guard occupation, Harry was one of a very select group of people who were allowed to talk to rioters during racial disturbances. He was depended upon by city officials and neighborhood residents both to help in diffusing threatening situations and to continue to articulate the very legitimate concerns of African-American people. Though quite a difficult tightrope to walk, Harry made it look easy. In no small part, it was his ability to touch the heart of diverse groups of people and find common ground that, in effect, saved the city.

This, however, is just a portion Harry Gardner's legacy. While a career officer at the Ferris School, a juvenile correctional facility for adolescent boys, Harry founded Northeast Civic Alliance, chaired the Wilmington Police & Community Advisory Council and the Wilmington Fire & Community Council and helped start and maintain a group home for troubled youth. Yet, having said all of this, Harry received few accolades for his many faithful years of service. He was self-effacing, and traded in recognition and reward for diligent, undaunted self sacrifice for the voiceless in our community.

We may all know a Harry Gardner in our respective communities. A man who changed the way we think through living a reality of public service that surpassed rhetoric and funadmentally changed the way people from all different backgrounds see themselves and interact with each other.

Dr. W.E.B. DuBois, the famed sociologist and civil rights scholar, once said, ''peace will be my applause.'' Harry, today, we in the Senate—and so many others back home— are all clapping loudly for your life and for its resounding impact in Wilmington and throughout the State of Delaware. Your presence will be missed, but your lessons will remain in our hearts forever.●

IN RECOGNITION OF THE LAO VETERANS OF AMERICA

● Mr. TORRICELLI. Mr. President, I rise today to recognize the Lao Veterans of America as they mark the 25th Annual Remembrance of the United States involvement in Laos. During the Vietnam War, many brave Laotians and their families chose to fight along side American soldiers against the North Vietnamese as part of the United States Special Forces. These brave souls took great risks, and deserve our recognition and thanks.

Those represented by the Lao Veterans of America served honorably during the conflict in Vietnam. They fought bravely to prevent the North Vietnamese from invading South Vietnam from Laos, and rescued shot down American pilots and brought them to safety. Through their actions, countless American lives were saved. These heroic deeds often placed the veterans and their families' lives in great risk as a result.

The selfless aid of the Lao Veterans of America is a true testament to the cause of freedom around the world. While the causes of this tragic conflict may continue to be debated, I believe we can all agree that the sacrifices of the Laotian veterans and their families should not be forgotten, as we owe them a great debt of gratitude.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

A 6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN THAT WAS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—A MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 17, 2000*.

MESSAGES FROM THE HOUSE

At 11:09 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1291. An act to prohibit the imposition of access charges on Internet service providers, and for other purposes.

H.R. 3363. An act for the relief of Akal Security, Incorporated.

H.R. 3646. An act for the relief of certain Persian Gulf evacuees.

H.R. 4425. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 326. Concurrent resolution expressing the sense of the Congress regarding the Federal Government's responsibility for starting a destructive fire near Los Alamos, New Mexico.

The message further announced that the House has disagreed to the amendment of the Senate to the bill, (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for the fiscal years 2000, 2001, and 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SENSENBRENNER, Mr. ROHRABACHER, Mr. WELDON of Florida, Mr. HALL of Texas, and Mr. GORDON as managers of the conference on the part of the House.

The message also announced that pursuant to section 301 of Public Law 104–1, the Chair announced on behalf of the Speaker and minority leader of the House of Representatives and the majority and minority leaders of the United States Senate their joint appointment of Ms. Susan S. Robfogel of New York, Chairman of the Board of Directors of the Office of Compliance, to fill the existing vacancy thereon.

The message further announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker has appointed the following Members of the House of Representatives to the Canada-United States Interparliamentary Group, in addition to Mr. HOUGHTON of New York, Chairman, appointed on February 16, 2000: Mr. Mr. UPTON of Michigan, Mr. STEARNS of Florida, Mr. MANZULLO of Illinois, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, and Ms. DANNER of Missouri.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1377. An act to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the ''John J. Buchanan Post Office Building.''

S. 2370. An act to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse.''

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3363. An act for the relief of Akal Security, Incorporated; to the Committee on the Judiciary.

H.R. 3646. An act for the relief of certain Persian Gulf evacuees; to the Committee on the Judiciary.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 326. Concurrent resolution expressing the sense of the Congress regarding the Federal Government's responsibility for starting a destructive fire near Los Alamos, New Mexico; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the Calendar.

H.R. 4425. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The following bills were read the second time, and placed on the calendar:

S. 2557. A bill to protect the Energy Security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

S. 2567. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3709. An act to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 17, 2000, he had presented to the President of the United States the following enrolled bill:

S. 2370. An Act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse.''

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8958. A communication from the Social Security Administration transmitting, pursuant to law, the report of a final rule entitled ''Addition of Medical Criteria for Evaluating Down Syndrome in Adults'' (RIN0960–AF03), received May 15, 2000; to the Committee on Finance.

EC–8959. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled ''Extension of Port Limits of Puget

Sound, WA'' (T.D. 00–35), received May 15, 2000; to the Committee on Finance.

EC–8960. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled ''Revised List of User Fee Airports'' (T.D. 00–34), received May 15, 2000; to the Committee on Finance.

EC–8961. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled ''Location of Duty-Free Stores'' (RIN1515–AC53), received May 15, 2000; to the Committee on Finance.

EC–8962. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled ''Guidance under Section 1032'', received May 15, 2000; to the Committee on Finance.

EC–8963. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Market Segment Specialization Program Audit Techniques Guide—Alternative Minimum Tax for Individuals'', received May 15, 2000; to the Committee on Finance.

EC–8964. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Market Segment Specialization Program Audit Techniques Guide—Child Care Providers'', received May 10, 2000; to the Committee on Finance.

EC–8965. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Estate of Smith v. Commissioner'', received May 10, 2000; to the Committee on Finance.

EC–8966. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled ''Market Segment Specialization Program Audit Techniques Guide—Garden Supplies'', received May 10, 2000; to the Committee on Finance.

EC–8967. A communication from the Department of Housing and Urban Development, transmitting, pursuant to law, the report of an interim rule entitled ''Adoption of Revisions to OMB Circular A–110; Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'' (RIN2501–AC68) (FR–4573–I–01), received May 11, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8968. A communication from the Department of Housing and Urban Development, transmitting, pursuant to law, the report of an interim rule entitled ''Supportive Housing Program—Increasing Operating Cost Percentage'' (RIN2506–AC05) (FR–4576–I–01), received May 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8969. A communication from the Office of Federal Housing Enterprise Oversight transmitting, pursuant to law, the report of a final rule entitled ''Implementation of the Equal Access to Justice Act'' (RIN2550–AA08), received May 4, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8970. A communication from the Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule entitled ''Asian Longhorned Beetle; Addition to Quarantined Areas'' (Docket #00–004–2), received May 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8971. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of Administrative Rules and Regulations Governing Issuance of Additional Allotment Base to New Producers'' (Docket Number FV00–985–2 FR), received May 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8972. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled ''Raisins Produced from Grapes Grown in California; Increase in Compensation Rate for Handlers' Services Performed Regarding Reserve Raisins'' (Docket Number FV00–989–2 FR), received May 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8973. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled ''Dried Prunes Produced in California; Undersized Regulation for the 2000–2001 Crop Year'' (Docket Number FV00–993–2 FR), received May 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8974. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled ''Onions Grown in South Texas; Change in Container Requirements'' (Docket Number FV00–959–2 FIR), received May 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8975. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled ''Amendments to Rules of Practice under the Perishable Agricultural Commodities Act; Correction'' (Docket Number FV00–363), received May 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8976. A communication from the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of an interim rule entitled ''Disaster Set-Aside Program—Second Distallment Set Aside'' (RIN0560–AF91), received May 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8977. A communication from the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of an interim rule entitled ''Farm Storage Facility Loan Program'' (RIN0560–AG00), received May 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8978. A communication from Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Dicamba, Pesticide Tolerances; Technical Amendment'' (FRL #6558–5), received May 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8979. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Addendum to Region III 1997–2001 FIFRA Consolidated Cooperative Agreement Guidance May 2000'', received April 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8980. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Transmittal of Addendum to the 1996 Hazardous Waste Enforcement Response Policy''; to the Committee on Environment and Public Works.

EC–8981. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Approval and Promulgation Plans; State of Missouri'' (FRL # 6701–3), received May 15, 2000; to the Committee on Environment and Public Works.

EC–8982. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL # 6701–4), received May 15, 2000; to the Committee on Environment and Public Works.

EC–8983. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste Final Exclusion'' (FRL # 6606–5), received May 11, 2000; to the Committee on Environment and Public Works.

EC–8984. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Revocation of Significant New Use Rule for Certain Chemical Substances'' (FRL # 6555–8), received May 10, 2000; to the Committee on Environment and Public Works.

EC–8985. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL # 6701–5), received May 15, 2000; to the Committee on Environment and Public Works.

EC – 8986. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL # 6701–6), received May 15, 2000; to the Committee on Environment and Public Works.

EC–8987. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Ocean Dumping: Designation of Site'' (FRL # 6702–1), received May 15, 2000; to the Committee on Environment and Public Works.

EC–8988. A communication from the Office of Environmental Information, Environmental Protection Agency, transmitting a report entitled ''1998 Toxic Release Inventory (TRI) Data Summary''; to the Committee on Environment and Public Works.

EC–8989. A communication from the Army Corps of Engineers transmitting, pursuant to law, the report of a final rule entitled ''Final Rule Amending Regulations on Procedures to Navigate the St. Mary's Falls Canal and Soo Locks at Sault St. Marie, Michigan'', received May 15, 2000; to the Committee on Environment and Public Works.

EC–8990. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Status of the

Nation's Highways, Bridges, and Transit Conditions and Performance Report''; to the Committee on Environment and Public Works.

EC–8991. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Reports on Traffic Flow and Safety Applications of Road Barriers''; to the Committee on Environment and Public Works.

EC–8992. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Allocation of Fiscal Year 2000 Youth and the Environmental Training and Employment Program Funds'', received May 16, 2000; to the Committee on Environment and Public Works.

EC–8993. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Notice of Availability of Funds for Source Water Protection'', received May 16, 2000; to the Committee on Environment and Public Works.

EC–8994. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa; Correction'' (FRL #6702–9), received May 16, 2000; to the Committee on Environment and Public Works.

EC–8995. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Clean Air Act Approval and Promulgation of State Implementation Plan; South Dakota; New Source Performance Standards'' (FRL #6603–1), received May 16, 2000; to the Committee on Environment and Public Works.

EC–8996. A communication from the Records Management and Declassification Agency, Department of the Army, transmitting, pursuant to law, the report of a final rule entitled ''32 CFR Part 581 (Army Board for Correction of Military Records)'' (RIN0702–AA32), received May 15, 2000; to the Committee on Armed Services.

EC–8997. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a final rule entitled ''Prevailing Rate Systems; Abolishment of the Washington, MD, Nonappropriated Fund Wage Area'' (RIN3206–AI97), received May 15, 2000; to the Committee on Governmental Affairs.

EC–8998. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a final rule entitled ''Prevailing Rate Systems; Abolishment of the Dubuque, IA, Appropriated Fund Wage Area'' (RIN3206–AI90), received May 15, 2000; to the Committee on Governmental Affairs.

EC–8999. A communication from the Federal Maritime Commission, transmitting, pursuant to law, the fiscal year 2001 Final Annual Performance Plan; to the Committee on Governmental Affairs.

EC–9000. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received May 15, 2000; to the Committee on Governmental Affairs.

EC–9001. A communication from the United States International Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1999, through March 31, 2000; to the Committee on Governmental Affairs.

EC–9002. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mancozeb; Reestablishment of Tolerance for Emergency Exemptions'' (FRL # 6556–9), received May 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9003. A communication from the American Academy of Arts and Letters transmitting, pursuant to law, the report of activities during the year ending December 31, 1999; to the Committee on the Judiciary.

EC–9004. A communication from the United States National Commission on Libraries and Information Science, transmitting a report entitled ''Kids and the Internet: The Promise and Perils''; to the Committee on Health, Education, Labor, and Pensions.

EC–9005. A communication from the National Aeronautics and Space Administration transmitting, pursuant to law, the report of a final rule entitled ''Contract Financing'', received May 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9006. A communication from the National Aeronautics and Space Administration transmitting, pursuant to law, the report of a final rule entitled ''Elimination of Elements as a Category in Evaluations'', received May 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9007. A communication from the Cable Services Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a final rule entitled ''Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Commission of 1996: Accessibility of Emergency Programming'' (MM Docket No. 95–176, FCC 00–136), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9008. A communication from the Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a final rule entitled ''Amendment of Section 73.202(b), Table of Amendments, FM Broadcast Stations, Mt. Washington and Jefferson, NH, Newry, ME'' (MM Docket No. 99–8, RM–9433, RM–9642), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9009. A communication from the Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a final rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, St Johnsbury and Barton, VT'' (MM Docket No. 99–6, RM–9431, RM–9596), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9010. A communication from the Common Carrier, Federal Communications Commission transmitting, pursuant to law, the report of a final rule entitled ''Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers'' (FCC 00–135, CC Doc. 94–129), received May 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9011. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Antarctic Marine Living Resources; Harvesting and Dealer Permits, and Catch Documentation'' (RIN0648–AN42), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9012. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Amendment 12 to the Northeast Multispecies Fishery Management Plan'' (RIN0648–AK79), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9013. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Inseason Adjustment of the Dates of the Texas Closure in Accordance with the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico'', received May 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9014. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Catch Specifications for the Gulf of Mexico under the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region'' (RIN0648–AM01), received May 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9015. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Atlantic Migratory Species (HMS) Fisheries; Vessel Monitoring Systems; Delay of Effectiveness'' (RIN0648–AJ67) (I.D. 040500B), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–522. A resolution adopted by the Board of Commissioners of the Borough of Beach Haven, New Jersey relative to the dumping of dredged material in the ocean; to the Committee on Environment and Public Works.

POM–523. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to emission standards for heavy-duty vehicles; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION 30

Whereas, the state of New Hampshire has made significant efforts to improve the state's air quality and reduce air pollutant emissions from many source categories in accordance with the Clean Air Act Amendments of 1990; and

Whereas, emissions from mobile sources now contribute a majority of anthropogenic air pollutant emissions within the state and nationwide; and

Whereas, the United States Environmental Protection Agency has recently adopted the so-called Tier 2/Gasoline Sulfur Rule which will require significantly reduced emissions from light-duty vehicles such as common passenger vehicles and from sport utility vehicles, will require sport utility vehicle emissions to be reduced to not more than those allowed for common passenger vehicles, and will require significantly decreased levels of sulfur in gasoline during the next few years; and

Whereas, the United States Environmental Protection Agency has shown the reductions

to be achieved by this adopted Tier 2/Gasoline Sulfur Rule to be cost-effective; and

Whereas, the United States Environmental Protection Agency in October, 1999 proposed a strategy to significantly reduce emissions from on-highway heavy-duty vehicles (vehicles of gross vehicle weight over 8,500 pounds), including diesel and gasoline engines used in large commercial trucks, large full-size pickup trucks, passenger vans, and the largest sport utility vehicles; and

Whereas, this proposed strategy includes both a first phase of new emission standards for heavy-duty vehicles, and a second phase to be proposed soon which will treat vehicles and fuels as a combined system and introduce both significant additional emission reduction requirements for heavy-duty vehicles and, in order to enable new emissions-control technology on heavy trucks, requirements that the sulfur content of highway diesel fuel be reduced by approximately 90 percent from its current level of 500 parts per million (ppm); and

Whereas, diesel vehicle emissions control technology has advanced sufficiently that diesel vehicles can cost-effectively achieve similar emission reductions to requirements recently adopted for gasoline vehicles; and

Whereas, non-highway gasoline and diesel vehicles, including construction and farm vehicles and off-road recreational vehicles, as well as other diesel engines, can often achieve emission controls at a similar cost and with similar cost-effectiveness as highway vehicles; and

Whereas, reductions in the sulfur content of highway diesel fuel are cost-effective and necessary to enable the use of new diesel vehicle emissions-control technology; and

Whereas, changes in fuel formulation are most efficiently and equitably implemented on a nationwide or regionwide basis; and

Whereas, in the absence of appropriately stringent nationally applicable standards for heavy-duty vehicle emissions and diesel fuel sulfur, many states may adopt their own standards, resulting in a complex and inefficient regulatory system for vehicles and fuels, with negative financial effects on consumers, manufacturers, and refiners; and

Whereas, the estimated cost per ton of emissions reduced in the first phase of the United States Environmental Protection Agency's proposed strategy is less than 1/2 of the cost per ton of the recent Tier 2/Gasoline Sulfur Rule, and less than the cost of many emission reductions currently being required for electricity generation plants; and

Whereas, additional financial incentives for vehicle users and fuel suppliers to provide emission reductions beyond those mandated by these rules are likely to produce additional cost-effective emission reductions at minimal cost; and

Whereas, Governor Shaheen has written a letter dated February 2, 2000 supporting this concurrent resolution; now, therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the United States Environmental Protection Agency is hereby commended for adopting its so-called Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should adopt the new emissions standards for on-highway heavy-duty vehicles proposed in the first phase of its proposed heavy-duty vehicle strategy, without any significant amendment that would weaken the proposed standards; and

That the United States Environmental Protection Agency should propose and adopt a second phase of integrated vehicle standards and diesel fuel sulfur rules similar to those outlined in its descriptions to date of its heavy-duty vehicle strategy, provided that they are at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should propose and adopt similar additional integrated vehicle standards and diesel fuel sulfur rules for non-highway gasoline and diesel vehicles, in addition to those for highway vehicles, provided that they are also at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should propose and adopt similar standards for other diesel engines, provided that they are also at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur rule; and

That the United States Environmental Protection Agency should investigate options for providing financial incentives for vehicle users and fuel suppliers that produce additional emission reductions beyond those mandated by these rules in order to obtain additional cost-effective emission reductions at minimal cost; and

That copies of this resolution be sent by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2001'' (Rept. No. 106–296).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 345: A bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful (Rept. No. 106–297).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. WARNER. Mr. President, for the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. John J. Catton Jr., 0000

The following named officer for appointment to the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert E. Lytle, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Donald G. Cook, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Roger G. DeKok, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert C. Hinson, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Hal M. Hornburg, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph H. Wehrle Jr., 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles W. Fletcher Jr., 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Philip M. Balisle, 0000
Rear Adm. (lh) John T. Byrd, 0000
Rear Adm. (lh) William W. Cobb Jr., 0000
Rear Adm. (lh) Christopher W. Cole, 0000
Rear Adm. (lh) David R. Ellison, 0000
Rear Adm. (lh) David T. Hart Jr., 0000
Rear Adm. (lh) Kenneth F. Heimgartner, 0000
Rear Adm. (lh) Joseph G. Henry, 0000
Rear Adm. (lh) Gerald L. Hoewing, 0000
Rear Adm. (lh) Michael L. Holmes, 0000
Rear Adm. (lh) William R. Klemm, 0000
Rear Adm. (lh) Michael D. Malone, 0000
Rear Adm. (lh) Peter W. Marzluff, 0000
Rear Adm. (lh) James D. McArthur Jr., 0000
Rear Adm. (lh) Michael J. McCabe, 0000
Rear Adm. (lh) David C. Nichols Jr., 0000
Rear Adm. (lh) Perry M. Ratliff, 0000
Rear Adm. (lh) Gary Roughead, 0000
Rear Adm. (lh) Kenneth D. Slaght, 0000
Rear Adm. (lh) Stanley R. Szemborski, 0000
Rear Adm. (lh) Henry G. Ulrich III, 0000
Rear Adm. (lh) George E. Voelker, 0000
Rear Adm. (lh) Robert F. Willard, 0000

The following named officer for appointment as Chief of Chaplains, United States Navy, and appointment to the grade indicated under title 10, U.S.C., section 5142:

To be rear admiral

Rear Adm. (lh) Barry C. Black, 0000

The following named officer for appointment as Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033:

To be admiral

Adm. Vernon E. Clark, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the

Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning David C. Abruzzi and ending Michael J. Zuber, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 2000.

Army nomination beginning Manester Y. Bruno and ending Manester Y. Bruno, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 2000.

Navy nomination beginning Richard L. Page and ending Richard L. Page, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 11, 2000.

Navy nomination beginning Thomas B. Lee and ending Thomas B. Lee, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 2000.

Navy nominations beginning Charles A. Armin and ending Mark D. Pyle, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 2000.

Marine Corps nominations beginning Debra A. Anderson and ending Scott C. Whitney, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 2000.

By Mr. ROTH for the Committee on Finance.

Michelle Andrews Smith, of Texas, to be an Assistant Secretary of the Treasury.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 2573. A bill to coordinate and facilitate the development by the Department of Defense of directed energy technologies, systems, and weapons, and for other purposes; to the Committee on Armed Services.

By Mr. TORRICELLI:

S. 2574. A bill to provide for principles on workers' rights for United States companies doing business in the People's Republic of China and Tibet; to the Committee on Foreign Relations.

By Mr. HELMS:

S. 2575. A bill to suspend temporarily the duty on mixtures of Bromoxynil Octanoate and Heptanoate; to the Committee on Finance.

By Mr. HELMS:

S. 2576. A bill to suspend temporarily the duty on Bromoxynil Octanoate technical; to the Committee on Finance.

By Mr. HELMS:

S. 2577. A bill to reduce temporarily the duty on Fipronil technical; to the Committee on Finance.

By Mr. HELMS:

S. 2578. A bill to supend temporarily the duty on Isoxaflutole; to the Committee on Finance.

By Mr. HELMS:

S. 2579. A bill to suspend temporarily the duty on Cyclanilide technical; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. BINGAMAN, Mr. DASCHLE, and Mr. INOUYE):

S. 2580. A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes; to the Committee on Indian Affairs.

By Mr. SESSIONS (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. SHELBY, Mr. COCHRAN, Mr. CLELAND, Mr. COVERDELL, Mr . THURMOND, Mr. HELMS, Mr. EDWARDS, Mr. INHOFE, and Mrs. HUTCHISON):

S. 2581. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. LEVIN, Mr. DASCHLE, Mr. MCCAIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. DURBIN, Mr. CLELAND, Mr. KERRY, Mr. TORRICELLI, Mr. KENNEDY, Mr. AKAKA, and Mr. BRYAN):

S. 2582. A bill to amend section 527 of the Internal Revenue Code of 1986 to better define the term political organization; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. LEVIN, Mr. DASCHLE, Mr. MCCAIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. DURBIN, Mr. CLELAND, Mr. KERRY, Mr. TORRICELLI, Mr. KENNEDY, Mr. AKAKA, and Mr. BRYAN):

S. 2583. A bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527; to the Committee on Finance.

By Mr. ROBB (for himself and Mr. WARNER):

S. 2584. A bill to provide for the allocation of interest accruing to the Abandoned Mine Reclamation Fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. GRASSLEY, and Mr. ROCKEFELLER):

S. 2585. A bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 2573. A bill to coordinate and facilitate the development by the Department of Defense of directed energy technologies, systems, and weapons, and for other purposes; to the Committee on Armed Services.

DIRECTED ENERGY COORDINATION AND CONSOLIDATION ACT OF 2000

• Mr. DOMENICI. Mr. President, I rise today to offer the Directed Energy Coordination and Consolidation Act of 2000. While enactment of the provisions in this bill will greatly enhance and accelerate some of the research, development, test and evaluation activities in my home state of New Mexico, I firmly believe taking this action is also in our national interest.

Last year's Defense Authorization Act required the Defense Department to convene the High Energy Laser Executive Review Panel (HELERP). This Panel was to make recommendations on a management structure for all defense high energy laser weapons programs. The authorization language also instructed the Panel to address issues in science and technology funding, the industrial base for these technologies, and possible cooperation with other agencies.

Mr. President, let me briely outline some conclusions and recommendations made by the Panel. The findings include the following:

Laser systems are ready for some of today's most challenging weapons applications, both offensive and defensive; laser weapons would offer the U.S. an asymmetric technological edge over adversaries for the foreseeable future; funding for laser Science and Technology programs should be increased to support acquisition programs and develop new technologies for future applications; the laser industrial supplier base is fragile in several critical laser technologies and lacks an adequate incentive to make investments required to support current and anticipated defense needs; DoD should leverage relevant research being supported by the Department of Energy and other agencies, as well as the private sector and academia; and, lastly, as in other critical high tech areas, it is increasingly difficult to attract and retain people with the skills necessary for directed energy technology development.

In sum, the Panel found that these technologies have matured sufficiently to offer solutions to some of the most daunting defense challenges the U.S. currently confronts. However, other findings indicated that science and technology funding is inadequate to realize these aims, the industrial base is steadily eroding, and this field cannot recruit and retain adequate talent to remain viable. We have the means, but we're not making the investments required to achieve our goals.

As requested by Congress last year, the High Energy Laser Master Plan approved by the Defense Department in March of this year proposes a different management structure. The Services all approved of this defense-wide management structure for making decisions regarding the specific technologies to pursue for specific defense applications and resource allocation.

Mr. President, this legislation echoes the findings of the High Energy Laser Executive Review Panel and codifies the proposed management structure outlined by the Panel. Furthermore, in accordance with the Panel's findings, the bill authorizes $150 million in defense-wide research and development funding for directed energy technologies. Up to $50 million of those funds can be utilized to leverage the directed energy expertise and technologies developed within our DOE laboratories. Lastly, this legislation requires that microwave technology investment decisions also be coordinated within this management structure.

The bill would relocate the Joint Technology Office (JTO) proposed in the Master Plan from the Pentagon to Albuquerque, New Mexico, by January 1, 2001. This Office is currently being established at the Pentagon. However, the Pentagon is not a focal point for technology developments in directed energy. Albuquerque offers a sensible location for the JTO.

Support for Albuquerque as a location is offered by the findings of the 912c Tri-Service Armament Panel Report. This Panel Report was an outgrowth of the July 1999 DoD ''Plan to Streamline DoD's Science and Technology, Engineering, and Test and Evaluation Infrastructure.'' This Army, Navy and Air Force Senior Steering Group proposed that all DoD Directed Energy Science and Technology and Test and Evaluation be consolidated at Kirtland Air Force Base. The Steering Group recommended creation of a DoD Directed Energy Center of Excellence at Kirtland that would be responsible for identifying, advocating, developing, and transitioning directed energy technology to meet all DoD requirements.

Now that the High Energy Laser Master Plan has proposed an appropriate management structure, the time is right to take action. New Mexico is already a focal point for a lot of the research, development, test and evaluation activities in this field. Kirtland boasts tremendous assets to facilitate this research. White Sands is the premiere directed energy testing range. Co-locating the Joint Technology Office among a critical mass of directed energy activities—both Army and Air Force—is not only sensible, it should also serve to facilitate this work.

No doubt that the activities of the Air Force's Directed Energy Directorate at Kirtland will be enhanced by this legislation. However, each of the Services will be required to compete within this management structure.

Let me be clear. Implementation of this management structure, regardless of the location of the Joint Technology Office will have no impact on the existing laser programs, such as the Tactical High Energy Laser (THEL), Airborne Laser (ABL) or Space-based Laser (SBL). The objective is to grow all directed energy programs desired by any one of the Services, depending on specific applications pursued.

Any new programs will be competed—with one exception. The legislation includes a $20 million allocation for the Advanced Tactical Laser program under the Joint Non-Lethal Weapons Program Office in order to take a first initial step in addressing some of the industrial base concerns.

American dominance relies heavily on our technological superiority. Unlike other instances where the Department of Defense is using outsourcing or privatization to reduce costs, the attrition within the research community will require significant renewed investments over a long period of time to rebuild in the future. We are steadily approaching this situation in the field of directed energy. The lack of emphasis on and investment in revolutionary technologies, such as directed energy, unnecessarily limits the myriad possibilities for effective, surgical defense against a range of missile threats and vast potential for numerous defense applications.

Mr. President, in order to better leverage the federal Government's investment, ensure adequate stability in the industrial base, and promote educational opportunities in directed energy technologies, the Directed Energy Coordination and Consolidation Act of 2000 will take a critical first step. I ask my colleagues to join me in ensuring that we rigorously pursue directed energy solutions to our nation's defense needs.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2573

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 ''Directed Energy Coordination and Consolidation Act of 2000''.

SEC. 2. COORDINATION AND FACILITATION OF DEVELOPMENT OF DIRECTED ENERGY TECHNOLOGIES, SYSTEMS, AND WEAPONS.

(a) FINDINGS.—Congress makes the following findings:

(1) Directed energy systems are available to address many current challenges with respect to military weapons, including offensive weapons and defensive weapons.

(2) Directed energy weapons offer the potential to maintain an asymmetrical technological edge over adversaries of the United States for the foreseeable future.

(3) It is in the national interest that funding for directed energy science and technology programs be increased in order to support priority acquisition programs and to develop new technologies for future applications.

(4) It is in the national interest that the level of funding for directed energy science and technology programs correspond to the level of funding for such large-scale demonstration programs in order to ensure the growth of directed energy science and technology programs and to ensure the successful development of other weapons systems utilizing directed energy systems.

(5) The industrial base for several critical directed energy technologies is in fragile condition and lacks appropriate incentives to make the large-scale investments that are necessary to address current and anticipated Department of Defense requirements for such technologies.

(6) It is in the national interest that the Department of Defense utilize and expand upon directed energy research currently being conducted by the Department of Energy, other Federal agencies, the private sector, and academia.

(7) It is increasingly difficult for the Federal Government to recruit and retain personnel with skills critical to directed energy technology development.

(8) The implementation of the recommendations contained in the High Energy Laser Master Plan of the Department of Defense will address these critical issues and is in the national interest.

(9) Implementation of the management structure outlined in the Master Plan will facilitate the development of revolutionary capabilities in directed energy weapons by achieving a coordinated and focused investment strategy under a new management structure featuring a joint technology office with senior-level oversight provided by a technology council and a board of directors.

(b) COORDINATION AND OVERSIGHT UNDER HIGH ENERGY LASER MASTER PLAN.—(1) Subchapter II of Chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 204. Joint Technology Office

''(a) ESTABLISHMENT.—(1) There is in the Department of Defense a Joint Technology Office (in this section referred to as the 'Office').

''(2) The Office shall be part of the National Directed Energy Center at Kirtland Air Force Base, New Mexico.

''(3) The Office shall be under the authority, direction, and control of the Deputy Under Secretary of Defense for Science and Technology.

''(b) STAFF.—(1) The head of the Office shall be a civilian employee of the Department of Defense in the Senior Executive Service who is designated by the Secretary of Defense for that purpose. The head of the Office shall be known as the 'Director of the Joint Technology Office'.

''(2) The Secretary of Defense shall provide the Office such civilian and military personnel and other resources as are necessary to permit the Office to carry out its duties under this section.

''(c) DUTIES.—The duties of the Office shall be to—

''(1) develop and oversee the management of a Department of Defense-wide program of science and technology relating to directed energy technologies, systems, and weapons;

''(2) serve as a point of coordination for initiatives for science and technology relating to directed energy technologies, systems, and weapons from throughout the Department of Defense;

''(3) develop and manage a program (to be known as the 'National Directed Energy Technology Alliance') to foster the exchange of information and cooperative activities on directed energy technologies, systems, and weapons between and among the Department of Defense, other Federal agencies, institutions of higher education, and the private sector; and

''(4) carry out such other activities relating to directed energy technologies, systems, and weapons as the Deputy Under Secretary of Defense for Science and Technology considers appropriate.

''(d) COORDINATION WITHIN DEPARTMENT OF DEFENSE.—(1) The Director of the Office shall assign to appropriate personnel of the Office the performance of liaison functions with the other Defense Agencies and with the military departments.

''(2) The head of each military department and Defense Agency having an interest in the activities of the Office shall assign personnel of such department or Defense Agency to assist the Office in carrying out its duties. In providing such assistance, such personnel shall be known collectively as 'Technology Area Working Groups'.

''(e) TECHNOLOGY COUNCIL.—(1) There is established in the Department of Defense a council to be known as the 'Technology Council' (in this section referred to as the 'Council').

''(2) The Council shall be composed of 7 members as follows:

''(A) The Deputy Under Secretary of Defense for Science and Technology, who shall be chairperson of the Council.

''(B) The senior science and technology executive of the Department of the Army.

''(C) The senior science and technology executive of the Department of the Navy.

''(D) The senior science and technology executive of the Department of the Air Force.

''(E) The senior science and technology executive of the Defense Advanced Research Projects Agency.

''(F) The senior science and technology executive of the Ballistic Missile Defense Organization.

''(G) The senior science and technology executive of the Defense Threat Reduction Agency.

''(3) The duties of the Council shall be—

''(A) to review and recommend priorities among programs, projects, and activities proposed and evaluated by the Office under this section;

''(B) to make recommendations to the Board regarding funding for such programs, projects, and activities; and

''(C) to otherwise review and oversee the activities of the Office under this section.

''(f) TECHNOLOGY BOARD OF DIRECTORS.—(1) There is established in the Department of Defense a board to be known as the 'Technology Board of Directors' (in this section referred to as the 'Board').

''(2) The Board shall be composed of 8 members as follows:

''(A) The Under Secretary of Defense for Acquisition and Technology, who shall serve as chairperson of the Board.

''(B) The Director of Defense Research and Engineering, who shall serve as vice-chairperson of the Board.

''(C) The senior acquisition executive of the Department of the Army.

''(D) The senior acquisition executive of the Department of the Navy.

''(E) The senior acquisition executive of the Department of the Air Force.

''(F) The Director of the Defense Advanced Research Projects Agency.

''(G) The Director of the Ballistic Missile Defense Organization.

''(H) The Director of the Defense Threat Reduction Agency.

''(3) The duties of the Board shall be—

''(A) to review and make funding recommendations regarding the programs, projects, and activities proposed and evaluated by the Office under this section; and

''(B) to otherwise review and oversee the activities of the Office under this section.''.

(2) The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by adding at the end the following new section:

''204. Joint Technology Office.''.

(3) The Secretary of Defense shall locate the Joint Technology Office under section 204 of title 10, United States Code (as added by this subsection), at the National Directed Energy Center at Kirtland Air Force Base, New Mexico, not later than January 1, 2001.

(c) TECHNOLOGY AREA WORKING GROUPS UNDER HIGH ENERGY LASER MASTER PLAN.—(1) The Secretary of Defense shall provide for the implementation of the portion of the High Energy Laser Master Plan relating to technology area working groups.

(2) In carrying out activities under this subsection, the Secretary of Defense shall require the Secretary of the military department concerned to provide within such department, with such department acting as lead agent, technology area working groups as follows:

(A) Within the Department of the Army—

(i) a technology area working group on solid state lasers; and

(ii) a technology area working group on advanced technology.

(B) Within the Department of the Navy, a technology area working group on free electron lasers.

(C) Within the Department of the Air Force—

(i) a technology area working group on chemical lasers;

(ii) a technology areas working group on beam control;

(iii) a technology area working group on lethality/vulnerability; and

(iv) a technology area working group on high power microwaves.

(d) ENHANCEMENT OF INDUSTRIAL BASE.—(1) The Secretary of Defense shall develop and undertake initiatives, including investment initiatives, for purposes of enhancing the industrial base for directed energy technologies and systems.

(2) Initiatives under paragraph (1) shall be designed to—

(A) stimulate the development by institutions of higher education and the private sector of promising directed energy technologies and systems; and

(B) stimulate the development of a workforce skilled in such technologies and systems.

(3) Of the amounts authorized to be appropriated by subsection (h), $20,000,000 shall be available for the initiation of development of the Advanced Tactical Laser (L) under the direction of the Joint Non-Lethal Weapons Directorate.

(e) ENHANCEMENT OF TEST AND EVALUATION CAPABILITIES.—(1) The Secretary of Defense shall evaluate and implement proposals for modernizing the High Energy Laser Test Facility at White Sands Missile Range, New Mexico, in order to enhance the test and evaluation capabilities of the Department of Defense with respect to directed energy weapons.

(2) Of the amounts authorized to be appropriated or otherwise made available to the Department of Defense for each of fiscal years 2001 and 2002, not more than $2,000,000 shall be made available in each such fiscal year for purposes of the deployment and test at the High Energy Laser Test Facility at White Sands Missile Range of free electron laser technologies under development at Los Alamos National Laboratory, New Mexico.

(f) COOPERATIVE PROGRAMS AND ACTIVITIES.—(1) The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector, including the national laboratories of the Department of Energy, for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to directed energy technologies, systems, and weapons.

(2) The Secretary shall enter into any cooperative program or activity determined under the evaluation under paragraph (1) to be feasible and advisable for the purpose set forth in that paragraph.

(3) Of the amounts authorized to be appropriated by subsection (h), $50,000,000 shall be available for cooperative programs and activities entered into under paragraph (2).

(g) PARTICIPATION OF JOINT TECHNOLOGY COUNCIL IN ACTIVITIES.—The Secretary of Defense shall, to the maximum extent practicable, carry out activities under subsections (c), (d), (e), and (f), through the Joint Technology Council established pursuant to section 204 of title 10, United States Code (as added by subsection (b) of this section).

(h) FUNDING FOR FISCAL YEAR 2001.—(1)(A) There is hereby authorized to be appropriated for the Department of Defense for fiscal year 2001, $150,000,000 for science and technology activities relating to directed energy technologies, systems, and weapons.

(B) Amounts authorized to be appropriated for fiscal year 2001 by subparagraph (A) are in addition to any other amounts authorized to be appropriated for such fiscal year for the activities referred to in that subparagraph.

(2) The Director of the Joint Technology Office established pursuant to section 204 of title 10, United States Code, shall allocate amounts appropriated pursuant to the authorization of appropriations in paragraph (1) among appropriate program elements of the Department of Defense in accordance with such procedures as the Director shall establish.

(3) In establishing procedures for purposes of the allocation of funds under paragraph (2), the Director shall provide for the competitive selection of programs, projects, and activities to be the recipients of such funds.

(i) DIRECTED ENERGY DEFINED.—In this section, the term ''directed energy'', with respect to technologies, systems, or weapons means technologies, systems, or weapons that provide for the directed transmission of energies across the energy and frequency spectrum, including high energy lasers and high power microwaves.●

By Mr. HELMS:

S. 2575. A bill to suspend temporarily the duty on mixtures of Bromoxynil Octanoate and Heptanoate; to the Committee on Finance.

S. 2576. A bill to suspend temporarily the duty on Bromoxynil Octanoate technical; to the Committee on Finance.

S. 2577. A bill to reduce temporarily the duty on Fipronil technical; to the Committee on Finance.

S. 2578. A bill to suspend temporarily the duty on Isoxaflutole; to the Committee on Finance.

S. 2579. A bill to suspend temporarily the duty on Cyclanilide technical; to the Committee on Finance.

LEGISLATION TO SUSPEND TEMPORARILY THE DUTY ON CERTAIN CHEMICALS

● Mr. HELMS. Mr. President, I ask unanimous consent that the text of five bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2575

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.38.01	Mixtures of 3,5-dibromo-4-hydoxybenzonitril ester and inerts (CAS No. 1689–84–5) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003.	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2576

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.29.01	3,5-dibromo-4-hydoxybenzonitril (CAS No. 1689–99–2) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2003.	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2577

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

SECTION 1. REDUCTION OF DUTY ON FIPRONIL TECHNICAL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking heading 9902.29.47 and inserting the following new heading:

"	9902.29.47	5-amino-1-(2,6-dichloro-4-(trifluoromethyl)phynyl)-4-((1,r,s,)-trifluoromethyl)sulfinyl)-1-h-pyrazole-3-carbonitrile: fipronil 90mp. (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	5%	No change	No change	On or before 12/31/2003.	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2578

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

SECTION 1. SUSPENSION OF DUTY ON ISOXAFLUTOLE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking heading 9902.29.70 and inserting the following new heading:

"	9902.29.70	4-(2-methanesulphonyl-4-triflouromethylbenzoyl)-5-cyclopropyl isoxazole (CAS No. 141112–29–0) (provided for in subheading 2934.90.15)	Free	No change	No change	On or before 12/31/2003.	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2579

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

SECTION 1. SUSPENSION OF DUTY ON CYCLANILIDE TECHNICAL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking heading 9902.29.64 and inserting in numerical sequence the following new heading:

"	9902.29.64	1-(2,4-dichlorophenylaminocarbonyl)-cyclopropanecarboxylic acid. (CAS No. 113136–77–9) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2003.	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. JOHNSON (for himself, Mr. BINGAMAN, Mr. DASCHLE, and Mr. INOUYE):

S. 2580. A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes; to the Committee on Indian Affairs.

INDIAN SCHOOL CONSTRUCTION ACT

Mr. JOHNSON. Mr. President, I, along with Senators BINGAMAN, DASCHLE, and INOUYE, am introducing legislation to establish an innovative funding mechanism to enhance the ability of Indian tribes to construct, repair, and maintain quality educational facilities. Representatives

from tribal schools in my State of South Dakota have been working with tribes nationwide to develop an initiative which I believe will be a positive first step toward addressing the serious crisis we are facing in Indian education.

Mr. President, over 50 percent of the American Indian population in this country is age 24 or younger. Consequently, the need for improved educational programs and facilities, and for training the American Indian workforce is pressing. American Indians have been, and continue to be, disproportionately affected by both poverty and low educational achievement. The high school completion rate for Indian people aged 20 to 24 was 12.5 percent below the national average. American Indian students, on average, have scored far lower on the National Assessment for Education Progress indicators than all other students.

By ignoring the most fundamental aspect of education; that is, safe, quality educational facilities, there is little hope of breaking the cycle of low educational achievement, and the unemployment and poverty that result from neglected academic potential.

The Indian School Construction Act establishes a bonding authority to use existing tribal education funds for bonds in the municipal finance market which currently serves local governments across the Nation. Instead of funding construction projects directly, these existing funds will be leveraged through bonds to fund substantially more tribal school, construction, maintenance and repair projects.

The Bureau of Indian Affairs estimates the tribal school construction and repair backlog at over $1 billion. Confounding this backlog, inflation and facility deterioration severely increases this amount. The administration's school construction request for fiscal year 2001 was over $62 million. In this budgetary climate, I believe every avenue for efficiently stretching the Federal dollar should be explored.

Tribal schools in my State and around the country address the unique learning needs and styles of Indian students, with sensitivity to Native cultures, ultimately promoting higher academic achievement. There are strong historical and moral reasons for continued support of tribal schools. In keeping with our special trust responsibility to sovereign Indian nations, we need to promote the self-determination and self-sufficiency of Indian communities. Education is absolutely vital to this effort. Allowing the continued deterioration and decay of tribal schools through lack of funding would violate the Government's commitment and responsibility to Indian nations and only slow the progress of self-sufficiency.

Mr. President, I urge my colleagues to closely examine the Indian School Construction Act and join me in working to make this innovative funding mechanism a reality. I ask unanimous consent that the text of the legislation be added at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2580

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 ''Indian School Construction Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs of the Department of the Interior.

(2) INDIAN.—The term ''Indian'' means any individual who is a member of a tribe.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBAL SCHOOL.—The term ''tribal school'' means an elementary school, secondary school, or dormitory that is operated by a tribal organization for the education of Indian children and that receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d).

(5) TRIBE.—The term ''tribe'' means any Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation, or Village Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 3. ISSUANCE OF BONDS.

(a) IN GENERAL.—The Secretary shall establish a pilot program under which eligible tribes have the authority to issue tribal school modernization bonds to provide funding for the improvement, repair, and new construction of tribal schools.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to issue bonds under the program under subsection (a), a tribe shall prepare and submit to the Secretary a plan of construction that meets the requirements of paragraph (2).

(2) PLAN OF CONSTRUCTION.—A plan of construction meets the requirements of this paragraph if such plan—

(A) contains a description of the improvements, repairs, or new construction to be undertaken with funding provided under the bond;

(B) demonstrates that a comprehensive survey has been undertaken concerning the construction or renovation needs of the tribal school involved;

(C) contains assurances that funding under the bond will be used only for the activities described in the plan; and

(D) contains any other reasonable and related information determined appropriate by the Secretary.

(3) PRIORITY.—In determining whether a tribe is eligible to participate in the program under this section, the Secretary shall give priority to tribes that, as demonstrated by the relevant plans of construction, will fund projects described in the Replacement School Construction priority list of the Bureau of Indian Affairs, as maintained under the Indian Self-Determination and Education Assistance Act.

(4) APPROVAL.—Except as provided in paragraph (3), the Secretary shall approve the issuance of qualified tribal school modernization bonds by tribes with approved plans of construction on the basis of the order in which such plans were received by the Secretary. Such approval shall not be unreasonably withheld.

(c) PERMISSIBLE ACTIVITIES.—In addition to the use of funds permitted under subsection (a), a tribe may use amounts received through the issuance of a bond to—

(1) enter into contracts with architects, engineers, and construction firms in order to determine the needs of the tribal school and for the design and engineering of the school;

(2) enter into contracts with financial advisors, underwriters, attorneys, trustees, and other professionals who would be able to provide assistance to the tribe in issuing bonds; and

(3) carry out other activities determined appropriate by the Secretary.

(d) BOND TRUSTEE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any tribal school construction bond issued by a tribe under this section shall be subject to a trust agreement between the tribe and a trustee.

(2) TRUSTEE.—Any bank or trust company that meets requirements established by the Secretary by regulation may be designated as a trustee under paragraph (1).

(3) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by a tribe under this subsection shall specify that the trustee, with respect to bonds issued under this section shall—

(A) act as a repository for the proceeds of the bond;

(B) make payments to bondholders;

(C) from any amounts in excess of the amounts necessary to make payments to bondholders, in accordance with the requirements of paragraph (4), make direct payments to contractors with the governing body of the tribe for facility improvement, repair, or new construction pursuant to this section; and

(D) invest in the tribal school modernization escrow account established under subsection (f)(2) such amounts of the proceeds as the trustee determines not to be necessary to make payments under subparagraphs (B) and (C).

(4) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, only the trustee shall make the direct payments referred to in paragraph (3)(C) in accordance with requirements that the tribe shall prescribe in the agreement entered into under paragraph (3). The tribe shall require the trustee, prior to making a payment to a contractor under paragraph (3)(C), to inspect the project that is the subject of the contract, or provide for an inspection of that project by a local financial institution, to ensure the completion of the project.

(B) CONTRACTS.—Each contract referred to in paragraph (3)(C) shall specify, or be renegotiated to specify, that payments under the contract shall be made in accordance with this subsection.

(e) PAYMENTS OF PRINCIPAL AND INTEREST.—

(1) PRINCIPAL.—Qualified tribal school modernization bonds shall be issued under this section as interest only for a period of 15 years from the date of issuance. Upon the expiration of such 15-year period, the entire outstanding principal under the bond shall become due and payable.

(2) INTEREST.—Interest on a qualified tribal school modernization bond shall be in the form of a tax credit under section 1400F of the Internal Revenue Code of 1986.

(f) BOND GUARANTEES.—

(1) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this section shall be guaranteed by amounts deposited in the tribal school modernization escrow account established under paragraph (2).

(2) ESTABLISHMENT OF ACCOUNT.—

(A) IN GENERAL.—Notwithstanding any other provision of law, subject to the availability of amounts made available under an appropriations Act, beginning in fiscal year 2001, the Secretary may deposit not more than $30,000,000 of unobligated funds into a tribal school modernization escrow account.

(B) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under subparagraph (A) and subsection (d)(3)(D) to make payments to holders of qualified tribal school modernization bonds issued under this section.

(g) LIMITATIONS.—

(1) OBLIGATION OF TRIBES.—Notwithstanding any other provision of law, a tribe that issues a qualified tribal school modernization bond under this section shall not be obligated to repay the principal on the bond.

(2) LAND AND FACILITIES.—Any land or facilities purchased or improved with amounts derived from qualified tribal school modernization bonds issued under this section shall not be mortgaged or used as collateral for such bonds.

SEC. 4. EXPANSION OF INCENTIVES FOR TRIBAL SCHOOLS.

Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter X—Tribal School Modernization Provisions

''Sec. 1400F. Credit to holders of qualified tribal school modernization bonds.

"SEC. 1400F. CREDIT TO HOLDERS OF QUALIFIED TRIBAL SCHOOL MODERNIZATION BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified tribal school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tribal school modernization bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tribal school modernization bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of issuance of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND; OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND.—

''(A) IN GENERAL.—The term 'qualified school modernization bond' means, subject to subparagraph (B), any bond issued as part of an issue under section 3 of the Indian School Construction Act if—

''(i) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a tribal school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(ii) the bond is issued by an Indian tribe,

''(iii) the issuer designates such bond for purposes of this section, and

''(iv) the term of each bond which is part of such issue does not exceed 15 years.

''(B) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified tribal school modernization bond limitation for each calendar year. Such limitation is—

''(i) $200,000,000 for 2001,

''(ii) $200,000,000 for 2002, and

''(iii) zero after 2002.

''(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(3) BOND.—The term 'bond' includes any obligation.

''(4) TRIBE.—The term 'tribe' has the meaning given such term by section 2 of the Indian School Construction Act.

''(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(f) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified tribal school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(g) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tribal school modernization bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tribal school modernization bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''(h) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified tribal school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(i) CREDIT MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

''(j) CREDIT TREATED AS ALLOWED UNDER PART IV OF SUBCHAPTER A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

''(k) REPORTING.—Issuers of qualified tribal school modernization bonds shall submit reports similar to the reports required under section 149(e).''.

SEC. 5. SOVEREIGN IMMUNITY.

This Act and the amendments made by this Act shall not be construed to impact, limit, or affect the sovereign immunity of the Federal Government or any State or tribal government.

By Mr. SESSIONS (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. SHELBY, Mr. COCHRAN, Mr. CLELAND, Mr. COVERDELL, Mr. THURMOND, Mr. HELMS, Mr. EDWARDS, Mr. INHOFE, and Mrs. HUTCHISON):

S. 2581. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Energy and Natural Resources.

HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

• Mr. SESSIONS. Mr. President, I rise today to introduce legislation to help preserve the heritage of historic women's colleges and universities. The United States is presently at mid-point in observing the centennial of the creation of seven unique educational institutions.

There were seven historic women's public colleges or universities founded in the United States between 1884 and 1908 to provide industrial education for women. They include: the University of Montevallo in Montevallo, Alabama; the Mississippi University for Women in Columbus, Mississippi; the Georgia College and State University in Milledgeville, Georgia; the University of North Carolina at Greensboro; Winthrop University in Rock Hill, South Carolina; the Texas Woman's University in Denton, Texas; and the University of Science and Arts of Oklahoma, in Chickasha, Oklahoma.

These seven public universities all were originally created to provide industrial and vocational education for women who at the time could not attend other public academic institutions. Following the industrial revolution, the United States found it desirable to promote agricultural, mechanical, and industrial education. Unfortunately, in seven States, the public agricultural and mechanical institutions

created during this period were closed to women. A number of educational advocates for women, notably Miss Julia Tutwiler, a native of Alabama, had learned extensively about European industrial and vocational education and tirelessly advocated the creation of industrial and technical educational opportunities for women. In these States, through major and extended efforts by women like Miss Tutwiler and by agrarian organizations, separate public educational institutions were created by the respective State legislatures to provide industrial and technical education for women. These schools subsequently became coeducational but retain significant historical and academic features of those pioneering efforts to educate women.

Currently these public institutions have critical capital needs related to their historic educational structures. Under this legislation, each school would receive $2 million in federal matching funding each year of the fiscal years 2001–2005. These funds, along with school funds, would be used for the preservation and restoration of historic buildings at these colleges and universities.

These historically women's public colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for women, low-income individuals, and educationally disadvantaged Americans. I believe it is our duty to do all we can to preserve these historic institutions and I ask my colleagues for their support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2581

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 ''Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act''.

SEC. 2. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AND STRUCTURES AT HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES.

(a) AUTHORITY TO MAKE GRANTS.—

(1) IN GENERAL.—From amounts made available under paragraph (2), the Secretary of Interior (referred to in this Act as the ''Secretary'') shall award grants in accordance with this section to historically women's public colleges or universities (defined as public institutions of higher learning as established in the United States between 1884 and 1908 to provide industrial education for women) for the preservation and restoration of historic buildings and structures on their campuses.

(2) SOURCE OF FUNDING.—Grants under paragraph (1) shall be awarded from amounts appropriated to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.) for fiscal years 2001 through 2005.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee agree, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property for which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT.—Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant only if the grantee agrees to provide for activities under the grant, from funds derived from non-Federal sources, an amount equal to 20 percent of the costs of the program to be funded under the grant with the Secretary providing 80 percent of such costs under the grant.

(d) FUNDING PROVISIONS.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Not more than $14,000,000 for each of the fiscal years 2001 through 2005 may be made available under this section.

(2) ALLOCATIONS FOR FISCAL YEAR 2001.—

(A) IN GENERAL.—Of the amounts made available under this section for fiscal year 2001—

(i) $2,000,000 shall be available only for grants under subsection (a) to Mississippi University for Women in Columbus, Mississippi;

(ii) $2,000,000 shall be available only for grants under subsection (a) to Georgia College and State University in Milledgeville, Georgia;

(iii) $2,000,000 shall be available only for grants under subsection (a) to the University of North Carolina at Greensboro in Greensboro, North Carolina;

(iv) $2,000,000 shall be available only for grants under subsection (a) to Winthrop University in Rock Hill, South Carolina;

(v) $2,000,000 shall be available only for grants under subsection (a) to the University of Montevallo in Montevallo, Alabama;

(vi) $2,000,000 shall be available only for grants under subsection (a) to the Texas Woman's University in Denton, Texas; and

(vii) $2,000,000 shall be available only for grants under subsection (a) to the University of Science and Arts of Oklahoma in Chickasha, Oklahoma.

(B) LESS THAN $14,000,000 AVAILABLE.—If less than $14,000,000 is made available under this section for fiscal year 2001, then the amount made available to each of the 7 institutions under subparagraph (A) shall be reduced by a uniform percentage.

(3) ALLOCATIONS FOR FISCAL YEARS 2002-2005.—Any funds which are made available during fiscal years 2002 through 2005 under subsection (a)(2) shall be distributed by the Secretary in accordance with the provisions of subparagraphs (A) and (B) of paragraph (2) to those grantees named in paragraph (2)(A) which remain eligible and desire to participate, on a uniform basis, in such fiscal years.

(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this Act.●

● Mr. CLELAND. Mr. President, forty-six years ago today, the U.S. Supreme Court in its Brown vs. Board of Education of Topeka decision overturned an 1896 ruling that education should be ''separate but equal'' thus outlawing racial segregation in the state school system. It is important to note that when the ''separate but equal'' ruling first went into effect in 1896, there were very few colleges and universities that women could attend. This means that ''separate but equal'' meant for men only.

Some forty-one years before colleges like the Georgia College and State University was founded in 1889, Elizabeth Cady Stanton, an eminent women's rights leader, drafted a Declaration of Sentiments that pointed to other areas of life where American women were not treated equally. Some of the facts at that time were:

Women were not allowed to vote;

Women had to submit to laws they had no voice in formulating;

Married women had no property rights;

Divorce and child custody laws favored men, giving no rights to women;

Most occupations were closed to women, including medicine and law; and

Women had no means to gain an education since no college or university would accept women students.

Through the efforts of Ms. Stanton and others, colleges and universities began to be established with the mission of preparing the women of our nation to become self-sufficient by affording them an opportunity for an education. Today, many of these colleges and universities are continuing to provide educational opportunities to women to enable them to continue making significant contributions to our country by becoming writers, educators, scientists, heads of state, politicians, civil rights crusaders, artists, entertainers, and business leaders. However, some of the historic buildings that were built between 1884 and 1908 as institutions of higher learning for women are beginning to crumble and decay.

I am proud to be a cosponsor of legislation introduced today by Senator SESSIONS which was crafted to allow the preservation and restoration of treasured historic school buildings. The legislation will provide seven colleges and universities with $10 million each for five years to help ensure that some historically significant buildings that were built between 1884 and 1908 at women's public colleges and universities continue to serve as national symbols of women's early civil rights and as important monuments to the power that knowledge has brought to America's women. I'd like to note that the amounts needed to fully rejuvenate the buildings to their former glory is far greater than those provided by this legislation.

The list of institutions that need this assistance is quite impressive. One of the seven universities included in this bill is the Georgia College and State University which is located in Georgia's antebellum capital, Milledgeville. The University was chartered in 1889 as the Georgia Normal and Industrial College and its early emphasis was on preparing young women for teaching or industrial careers. From the beginning of this prestigious school, the jewels of the university campus have been the former State Governor's mansion and the old Baldwin County Court House. General Sherman, while occupying the

city of Milledgeville, slept in the mansion and refused to allow it to be burned because he was so impressed with its stateliness. The stately court house and former Governor's mansion, while continuing to be used by the university, are in dire need of repair. The $10 million included in the bill for the Georgia College and State University will go a long way toward helping to pay the estimated $27 million repair cost for these, and other treasured campus buildings.

Today the Georgia College and State University's enrollment has grown to an impressive 5,200 students. The institution is now offering more than 65 baccalaureate and 35 graduate degree programs and awards more than 1,100 degrees annually, of which 300 are graduate degrees.

It seems that we are living in a disposable world. We have disposable towels, disposable cameras, and disposable contact lenses. Let us not dispose of these buildings or the history they represent. I believe that the college and university campus buildings that are to be preserved and restored by this legislation will continue to serve our nation well by continuing to provide quality education for the leaders of tomorrow.●

By Mr. LIEBERMAN (for himself, Mr. LEVIN, Mr. DASCHLE, Mr. MCCAIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. DURBIN, Mr. CLELAND, Mr. KERRY, Mr. TORRICELLI, Mr. KENNEDY, Mr. AKAKA, and Mr. BRYAN):

S. 2582. A bill to amend section 527 of the Internal Revenue Code of 1986 to better define the term political organization; to the Committee on Finance.

S. 2583. A bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527; to the Committee on Finance.

LEGISLATION REGARDING SECTION 527 OF THE TAX CODE

Mr. LIEBERMAN. Mr. President, I rise today to introduce two bills aimed at curtailing the newest threat to the integrity of our nation's election process: the proliferation of so-called stealth PACs operating under Section 527 of the tax code. These groups exploit a recently discovered loophole in the tax code that allows organizations seeking to influence federal elections to fund their election work with undisclosed and unlimited contributions at the same time as they claim exemption from both federal taxation and the federal election laws.

Section 527 of the tax code offers tax exemption to organizations primarily involved in election-related activities, like campaign committees, party committees and PACs. It defines the type of organization it covers as one whose function is, among other things, ''influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office . . . .'' Because the Federal Election Campaign Act (''FECA'') uses near identical language to define the entities it regulates—organizations that spend or receive money ''for the purpose of influencing any election for Federal office''—Section 527 formerly had been generally understood to apply only to those organizations that register as political committees under, and comply with, FECA, unless they focus on State or local activities or do not meet certain other specific FECA requirements).

Nevertheless, a number of groups engaged in what they term issue advocacy campaigns and other election-related activity recently began arguing that the near identical language of FECA and Section 527 actually mean two different things. In their view, they can gain freedom from taxation by claiming that they are seeking to influence the election of individuals to Federal office, but may evade regulation under FECA, by asserting that they are not seeking to influence an election for Federal office. As a result—because, unlike other tax-exempt groups like 501(c)(3)s and (c)(4)s, Section 527 groups don't even have to publicly disclose their existence—these groups gain both the public subsidy of tax exemption and the ability to shield from the American public the identity of those spending their money to try to influence our elections. Indeed, according to news reports, newly-formed 527 organizations pushing the agenda of political parties are using the ability to mask the identities of their contributors as a means of courting wealthy donors seeking anonymity in their efforts to influence our elections.

Because Section 527 organizations are not required to publicly disclose their existence, it is impossible to know the precise scope of this problem. The IRS's private letter rulings, though, make clear that organizations intent on running what they call issue ad campaigns and engaging in other election-related activity are free to assert Section 527 status, and news reports provide specific examples of groups taking advantage of these rulings. Roll Call reported the early signs of this phenomenon in late 1997, when it published an article on the decision of Citizens for Reform and Citizens for the Republic Education Fund, two Triad Management Services organizations that ran $2 million issue ad campaigns during the 1996 elections, to switch from 501(c)(4) status (which imposes limits on a group's political activity) to 527 status after the 1996 campaigns. A more recent Roll Call report recounted the efforts of a team of GOP lawyers and consultants to shop an organization called Citizens for the Republican Congress to donors as a way to bankroll up to $35 million in pro-Republican issue ads in the 30 most competitive House races. And Common Cause's recent report Under The Radar: The Attack Of The ''Stealth PACs'' On Our Nation's Elections offers details on 527 groups set up by politicians (Congressmen J.C. WATTS and TOM DELAY), industry groups (the pharmaceutical industry-funded Citizens for Better Medicare) and ideological groups from all sides of the political spectrum (the Wyly Brothers' Republicans for Clean Air, Ben & Jerry's Business Leaders for Sensible Priorities and a 527 set up by the Sierra Club). The advantages conferred by assuming the 527 form—the anonymity provided to both the organization and its donors, the ability to engage in unlimited political activity without losing tax-exempt status, and the exemption from the gift tax imposed on very large donors—leave no doubt that these groups will proliferate as the November election approaches.

And none of us should doubt that the proliferation of these groups—with their potential to serve as secret slush funds for candidates and parties, their ability to run difficult-to-trace attack ads, and their promise of anonymity to those seeking to spend huge amounts of money to influence our elections—poses a real and significant threat to the integrity and fairness of our elections. We all know that the identity of the messenger has a lot of influence on how we view a message. In the case of a campaign, an ad or piece of direct mail attacking one candidate or lauding another carries a lot more weight when it is run or sent by a group called ''Citizens for Good Government'' or ''Committee for our Children'' than when a candidate, party or someone with a financial stake in the election publicly acknowledges sponsorship of the ad or mailing. Without a rule requiring a group involved in elections to disclose who is behind it and where the group gets its money, the public is deprived of vital information that allows it to judge the group's credibility and its message, throwing into doubt the very integrity of our elections. With this incredibly powerful tool in their hands, can anyone doubt that come November, we will see more and more candidates, parties and groups with financial interests in the outcome of our elections taking advantage of the 527 loophole to run more and more attack ads and issue more and more negative mailings in the name of groups with innocuous-sounding names?

But the risk posed by the 527 loophole goes even farther than depriving the American people of critical information. I believe that it threatens the very heart of our democratic political process. Allowing these groups to operate in the shadows poses a real risk of corruption and makes it difficult for us to vigilantly guard against that risk. The press has reported that a growing number of 527 groups have connections to—or even have been set up by—candidates and elected officials. Allowing wealthy individuals to give to these groups—and allowing elected officials to solicit money for these groups—without ever having to disclose their dealings to the public, at a minimum,

leads to an appearance of corruption and sets the conditions that would allow actual corruption to thrive. If politicians are allowed to continue secretly seeking money—particularly sums of money that exceed what the average American makes in a year—there is no telling what will be asked for in return.

In the hopes of forestalling the conversion of yet another loophole into yet another sinkhole for the integrity of our elections, I am joined today by a distinguished bipartisan coalition in introducing two bills addressing the 527 problem. Our first bill—I think of it as our aspirational bill—would completely close the Section 527 loophole, by making clear that tax exemption under Section 527 is available only to organizations regulated under FECA (unless an organization focuses exclusively on State or local elections or does not meet certain other explicit FECA requirements). If this bill were enacted, groups no longer would be able to tell one thing to the IRS to get a tax benefit and then deny the same thing to the FEC in order to evade FECA regulation.

Recognizing that a complete closing of the 527 loophole may not be possible to achieve this Congress, however, we are offering a narrower alternative—a pragmatic bill—aimed at forcing Section 527 organizations to emerge from the shadows and let the public know who they are, where they get their money and how they spend it. The bill would require 527 organizations to disclose their existence to the IRS, to file publicly available tax returns and to file with the IRS and make public reports specifying annual expenditures of at least $500 and identifying those who contribute at least $200 annually to the organization. Although this won't solve the whole problem, at least it will make sure that no group can hide in the shadows as it spends millions to influence the way we vote and who we choose to run this country.

No doubt opponents of this legislation will claim that our proposal infringes on their First Amendment rights to free speech and association. But, Mr. President, nothing in our bills infringes on those cherished freedoms in the slightest bit. Our bills do not prohibit anyone from speaking, nor do they force any group that does not currently have to comply with FECA or disclose information about itself to do either of those things. Our bills speak only to what a group must do if it wants the public subsidy of tax exemption—something the Supreme Court has made clear no one has a constitutional right to have. As the Court explained in *Regan* v. *Taxation with Representation of Washington*, 461 U.S. 540, 544, 545, 549 (1983), ''[b]oth tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system,'' and ''Congressional selection of particular entities or persons for entitlement to this sort of largesse is obviously a matter of policy and discretion . . .'' Under our bills, any group not wanting to disclose information about itself or abide by the election laws would be able to continue doing whatever it is doing now—it would just have to do so without the public subsidy of tax exemption conferred by Section 527.

Mr. President, we have become so used to our campaign finance system's long, slow descent into the muck that it sometimes is hard to ignite the kind of outrage that should result when a new loophole starts to shred the spirit of yet another law aimed at protecting the integrity of our system. But this new 527 loophole should outrage us, and we must act to stop it. The bipartisan coalition joining with me today is doing just that. I hope all of our colleagues will join us in supporting these proposals, and ask unanimous consent that the text of both bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2582

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

SECTION 1. DEFINITION OF POLITICAL ORGANIZATION.

(a) DEFINITION OF POLITICAL ORGANIZATION.—Paragraph (1) of section 527(e) of the Internal Revenue Code of 1986 (relating to political organizations) is amended to read as follows:

''(1) POLITICAL ORGANIZATION.—

''(A) IN GENERAL.—The term 'political organization' means a party, committee, association, fund, or other organization (whether or not incorporated)—

''(i) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function, and

''(ii) which is a political committee described in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)).

''(B) EXCEPTIONS.—Subparagraph (A)(ii) shall not apply in the case of—

''(i) an organization described in subparagraph (C),

''(ii) any committee, club, association, or other group of persons (other than a separate segregated fund established under section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)) which accepts contributions or makes expenditures (as defined in this subsection) during a calendar year in an aggregate amount of less than $1,000, or

''(iii) any local committee of a political party which is not a political committee (as so defined).

''(C) CERTAIN ORGANIZATIONS.—An organization is described in this subparagraph if—

''(i) the activities of the organization are for the primary purpose of influencing or attempting to influence—

''(I) the selection, nomination, election, or appointment of any individual to any State or local public office,

''(II) the appointment of any individual to any Federal public office, or

''(III) the selection, nomination, election, or appointment of any individual to any office in a political organization, and

''(ii) the organization does not engage in any activity that is for the purpose of directly or indirectly influencing or attempting to influence the selection, nomination, or election of any individual to any Federal public office or the election of Presidential or Vice Presidential electors.

The preceding sentence shall apply whether or not an individual described in subclause (I), (II), or (III) of clause (i) or in clause (ii) of such sentence is selected, nominated, elected, or appointed to such office.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect on the date that is 30 days after the date of enactment of this Act.

S. 2583

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

SECTION 1. REQUIRED NOTIFICATION OF SECTION 527 STATUS.

(a) IN GENERAL.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by adding at the end the following new subsection:

''(i) ORGANIZATIONS MUST NOTIFY SECRETARY THAT THEY ARE SECTION 527 ORGANIZATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (5), an organization shall not be treated as an organization described in this section—

''(A) unless it has given notice to the Secretary, electronically and in writing, that it is to be so treated, or

''(B) if the notice is given after the time required under paragraph (2), the organization shall not be so treated for any period before such notice is given.

''(2) TIME TO GIVE NOTICE.—The notice required under paragraph (1) shall be transmitted not later than 24 hours after the date on which the organization is established.

''(3) CONTENTS OF NOTICE.—The notice required under paragraph (1) shall include information regarding—

''(A) the name and address of the organization (including any business address, if different) and its electronic mailing address,

''(B) the purpose of the organization,

''(C) the names and addresses of its officers, highly compensated employees, contact person, custodian of records, and members of its Board of Directors,

''(D) the name and address of, and relationship to, any related entities (within the meaning of section 168(h)(4)), and

''(E) such other information as the Secretary may require to carry out the internal revenue laws.

''(4) EFFECT OF FAILURE.—In the case of an organization failing to meet the requirements of paragraph (1) for any period, the taxable income of such organization shall be computed by taking into account any exempt function income (and any deductions directly connected with the production of such income).

''(5) EXCEPTIONS.—This subsection shall not apply to any organization—

''(A) to which this section applies solely by reason of subsection (f)(1), or

''(B) which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year.

''(6) COORDINATION WITH OTHER REQUIREMENTS.—This subsection shall not apply to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee.''.

(b) DISCLOSURE REQUIREMENTS.—

(1) INSPECTION AT INTERNAL REVENUE SERVICE OFFICES.—

(A) IN GENERAL.—Section 6104(a)(1)(A) of the Internal Revenue Code of 1986 (relating to public inspection of applications) is amended—

(i) by inserting ''or a political organization is exempt from taxation under section 527 for any taxable year'' after ''taxable year'',

(ii) by inserting ''or notice of status filed by the organization under section 527(i)'' before '', together'',

(iii) by inserting ''or notice'' after ''such application'' each place it appears,

(iv) by inserting ''or notice'' after ''any application'',

(v) by inserting ''for exemption from taxation under section 501(a)'' after ''any organization'' in the last sentence, and

(vi) by inserting ''OR 527'' after ''SECTION 501'' in the heading.

(B) CONFORMING AMENDMENT.—The heading for section 6104(a) of such Code is amended by inserting ''OR NOTICE OF STATUS'' before the period.

(2) INSPECTION OF NOTICE ON INTERNET AND IN PERSON.—Section 6104(a) of such Code is amended by adding at the end the following new paragraph:

''(3) INFORMATION AVAILABLE ON INTERNET AND IN PERSON.—

''(A) IN GENERAL.—The Secretary shall make publicly available, on the Internet and at the offices of the Internal Revenue Service—

''(i) a list of all political organizations which file a notice with the Secretary under section 527(i), and

''(ii) the name, address, electronic mailing address, custodian of records, and contact person for such organization.

''(B) TIME TO MAKE INFORMATION AVAILABLE.—The Secretary shall make available the information required under subparagraph (A) not later than 5 business days after the Secretary receives a notice from a political organization under section 527(i).''.

(3) INSPECTION BY COMMITTEE OF CONGRESS.—Section 6104(a)(2) of such Code is amended by inserting ''or notice of status of any political organization which is exempt from taxation under section 527 for any taxable year'' after ''taxable year''.

(4) PUBLIC INSPECTION MADE AVAILABLE BY ORGANIZATION.—Section 6104(d) of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended—

(A) by striking ''AND APPLICATIONS FOR EXEMPTION'' and inserting '', APPLICATIONS FOR EXEMPTION, AND NOTICES OF STATUS'' in the heading,

(B) by inserting ''or notice of status under section 527(i)'' after ''section 501'' and by inserting ''or any notice materials'' after ''materials'' in paragraph (1)(A)(ii),

(C) by inserting or ''or such notice materials'' after ''materials'' in paragraph (1)(B), and

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

''(6) NOTICE MATERIALS.—For purposes of paragraph (1), the term 'notice materials' means the notice of status filed under section 527(i) and any papers submitted in support of such notice and any letter or other document issued by the Internal Revenue Service with respect to such notice.''.

(c) FAILURE TO MAKE PUBLIC.—Section 6652(c)(1)(D) of the Internal Revenue Code of 1986 (relating to public inspection of applications for exemption) is amended—

(1) by inserting ''or notice materials (as defined in such section)'' after ''section)'', and

(2) by inserting ''AND NOTICE OF STATUS'' after ''EXEMPTION'' in the heading.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) ORGANIZATIONS ALREADY IN EXISTENCE.—In the case of an organization established before the date of the enactment of this section, the time to file the notice under section 527(i)(2) of the Internal Revenue Code of 1986, as added by this section, shall be 30 days after the date of the enactment of this section.

(3) INFORMATION AVAILABILITY.—The amendment made by subsection (b)(2) shall take effect on the date that is 45 days after the date of the enactment of this section.

SEC. 2. DISCLOSURES BY POLITICAL ORGANIZATIONS.

(a) REQUIRED DISCLOSURE OF 527 ORGANIZATIONS.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations), as amended by section 1(a), is amended by adding at the end the following new section:

''(j) REQUIRED DISCLOSURE OF EXPENDITURES AND CONTRIBUTIONS.—

''(1) DENIAL OF EXEMPTION.—An organization shall not be treated as an organization described in this section unless it makes the required disclosures under paragraph (2).

''(2) REQUIRED DISCLOSURE.—A political organization which accepts a contribution, or makes an expenditure, for an exempt function during any calendar year shall file with the Secretary either—

''(A)(i) in the case of a calendar year in which a regularly scheduled election is held—

''(I) quarterly reports, beginning with the first quarter of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 15th day after the last day of each calendar quarter, except that the report for the quarter ending on December 31 of such calendar year shall be filed not later than January 31 of the following calendar year,

''(II) a pre-election report, which shall be filed not later than the 12th day before (or posted by registered or certified mail not later than the 15th day before) any election with respect to which the organization makes a contribution or expenditure, and which shall be complete as of the 20th day before the election, and

''(III) a post-general election report, which shall be filed not later than the 30th day after the general election and which shall be complete as of the 20th day after such general election, and

''(ii) in the case of any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year, or

''(B) monthly reports for the calendar year, beginning with the first month of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 20th day after the last day of the month and shall be complete as if the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i)(II), a post-general election report shall be filed in accordance with subparagraph (A)(i)(III), and a year end report shall be filed not later than January 31 of the following calendar year.

''(3) CONTENTS OF REPORT.—A report required under paragraph (2) shall contain the following information:

''(A) The amount of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds $500 and the name and address of the person (in the case of an individual, include the occupation and name of employer of such individual).

''(B) The name and address (in the case of an individual, include the occupation and name of employer of such individual) of all contributors which contributed an aggregate amount of $200 or more to the organization during the calendar year and the amount of the contribution.

Any expenditure or contribution disclosed in a previous reporting period is not required to be included in the current reporting period.

''(4) CONTRACTS TO SPEND OR CONTRIBUTE.—For purposes of this subsection, a person shall be treated as having made an expenditure or contribution if the person has contracted or is otherwise obligated to make the expenditure or contribution.

''(5) COORDINATION WITH OTHER REQUIREMENTS.—This subsection shall not apply—

''(A) to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee,

''(B) to any State or local committee of a political party or political committee of a State or local candidate,

''(C) to any organization which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year,

''(D) to any organization to which this section applies solely by reason of subsection (f)(1), or

''(E) with respect to any expenditure which is an independent expenditure (as defined in section 301 of such Act).

''(6) ELECTION.—For purposes of this subsection, the term 'election' means—

''(A) a general, special, primary, or runoff election for a Federal office,

''(B) a convention or caucus of a political party which has authority to nominate a candidate for Federal office,

''(C) a primary election held for the selection of delegates to a national nominating convention of a political party, or

''(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.''.

(b) PUBLIC DISCLOSURE OF REPORTS.—

(1) IN GENERAL.—Section 6104(d) of the Internal Revenue Code of 1986 (relating to public inspection of certain annual returns and applications for exemption), as amended by section 1(b)(4), is amended—

(A) by inserting ''REPORTS,'' after ''RETURNS,'' in the heading,

(B) in paragraph (1)(A), by striking ''and'' at the end of clause (i), by inserting ''and'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) the reports filed under section 527(j) (relating to required disclosure of expenditures and contributions) by such organization,'', and

(C) in paragraph (1)(B), by inserting '', reports,'' after ''return''.

(2) DISCLOSURE OF CONTRIBUTORS ALLOWED.—Section 6104(d)(3)(A) of such Code (relating to nondisclosure of contributors, etc.) is amended by inserting ''or a political organization exempt from taxation under section 527'' after ''509(a))''.

(3) DISCLOSURE BY INTERNAL REVENUE SERVICE.—Section 6104(d) of such Code is amended by adding at the end the following new paragraph:

''(6) DISCLOSURE OF REPORTS BY INTERNAL REVENUE SERVICE.—Any report filed by an organization under section 527(j) (relating to required disclosure of expenditures and contributions) shall be made available to the public at such times and in such places as the Secretary may prescribe.''.

(c) FAILURE TO MAKE PUBLIC.—Section 6652(c)(1)(C) of the Internal Revenue Code of 1986 (relating to public inspection of annual returns) is amended—

(1) by inserting ''or report required under section 527(j)'' after ''filing)'',

(2) by inserting ''or report'' after ''1 return'', and

(3) by inserting ''AND REPORTS'' after ''RETURNS'' in the heading.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenditures made and contributions received after the date of enactment of this Act, except that such amendment shall not apply to expenditures made, or contributions received, after such date pursuant to a contract entered into on or before such date.

SEC. 3. RETURN REQUIREMENTS RELATING TO SECTION 527 ORGANIZATIONS.

(a) RETURN REQUIREMENTS.—

(1) ORGANIZATIONS REQUIRED TO FILE.—Section 6012(a)(6) of the Internal Revenue Code of 1986 (relating to political organizations required to make returns of income) is amended by inserting ''or which has gross receipts of $25,000 or more for the taxable year (other than an organization to which section 527 applies solely by reason of subsection (f)(1) of such section)'' after ''taxable year''.

(2) INFORMATION REQUIRED TO BE INCLUDED ON RETURN.—Section 6033 of such Code (relating to returns by exempt organizations) is amended by redesignating subsection (g) as subsection (h) and inserting after subsection (f) the following new subsection:

''(g) RETURNS REQUIRED BY POLITICAL ORGANIZATIONS.—In the case of a political organization required to file a return under section 6012(a)(6)—

''(1) such organization shall file a return—

''(A) containing the information required, and complying with the other requirements, under subsection (a)(1) for organizations exempt from taxation under section 501(a), and

''(B) containing such other information as the Secretary deems necessary to carry out the provisions of this subsection, and

''(2) subsection (a)(2)(B) (relating to discretionary exceptions) shall apply with respect to such return.''.

(b) PUBLIC DISCLOSURE OF RETURNS.—

(1) RETURNS MADE AVAILABLE BY SECRETARY.—

(A) IN GENERAL.—Section 6104(b) of the Internal Revenue Code of 1986 (relating to inspection of annual information returns) is amended by inserting ''6012(a)(6),'' before ''6033''.

(B) CONTRIBUTOR INFORMATION.—Section 6104(b) of such Code is amended by inserting ''or a political organization exempt from taxation under section 527'' after ''509(a)''.

(2) RETURNS MADE AVAILABLE BY ORGANIZATIONS.—

(A) IN GENERAL.—Paragraph (1)(A)(i) of section 6104(d) of such Code (relating to public inspection of certain annual returns, reports, applications for exemption, and notices of status) is amended by inserting ''or section 6012(a)(6) (relating to returns by political organizations)'' after ''organizations)''.

(B) CONFORMING AMENDMENTS.—

(i) Section 6104(d)(1) of such Code is amended in the matter preceding subparagraph (A) by inserting ''or an organization exempt from taxation under section 527(a)'' after ''501(a)''.

(ii) Section 6104(d)(2) of such Code is amended by inserting ''or section 6012(a)(6)'' after ''section 6033''.

(c) FAILURE TO FILE RETURN.—Section 6652(c)(1) of the Internal Revenue Code of 1986 (relating to annual returns under section 6033) is amended—

(1) by inserting ''or section 6012(c)(6) (relating to returns by political organizations)'' after ''organizations)'' in subparagraph (A)(i),

(2) by inserting ''or section 6012(c)(6)'' after ''section 6033'' in subparagraph (A)(ii),

(3) by inserting ''or section 6012(c)(6)'' after ''section 6033'' in the third sentence of subparagraph (A), and

(4) by inserting ''OR 6012(C)(6)'' after ''SECTION 6033'' in the heading.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after June 30, 2000.

Mr. JEFFORDS. Mr. President, I would first like to thank Senator LIEBERMAN for his hard work in focusing the attention of the nation on the problems Section 527 organizations are creating in our campaign finance system. Today, I join Senator LIEBERMAN and others in introducing two legislative vehicles to address the problems these organizations are bringing to our already troubled campaign finance system.

Many years ago, James Madison said, ''A popular government without popular information is but a prologue to a tragedy or a farce or perhaps both. Knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power which knowledge gives.''

In clearer terms, Francis Bacon conveys the same principle in the saying, ''Knowledge is Power.''

Mr. President, most people don't know what a section 527 organization is, and that is understandable as it is a highly complex issue. But what many people do understand is that our campaign finance system is broken and that we must do something to fix it.

I have long believed in Justice Brandeis' statement that, ''Sunlight is said to be the best of disinfectants.'' People deserve to know before they step into the voting booth which individuals or organizations are sponsoring the advertisements, mailings, and phone banks they may see or hear from during an election. We need to shine some sunlight on these secretive Section 527 organizations so that people will know who or what is trying to influence their vote.

Mr. President, the passage of either of these important pieces of legislation would help arm the people with the knowledge they need in order to exercise their civic duty and sustain our popular government.

We must close the loophole allowing so-called ''Stealth PAC's'' organized under Section 527 of the tax code, to hide their donors, activities, even their very existence from public view. Doing so would be an important first step in helping restore the public's confidence in our political system.

Mr. President, passage of this legislation would be one small step in eventually achieving our ultimate goal, which is enactment of meaningful campaign finance reform that includes increasing disclosure requirements and the banning of soft money. It is time to work together. It is time to act. It is time to pass campaign finance reform.

Mr. LEVIN. Mr. President, I am pleased to be joining Senators LIEBERMAN, DASCHLE, MCCAIN, FEINGOLD, and others today in sponsoring this legislation to close the Section 527 loophole in our campaign finance and tax laws.

Section 527 of the IRS Code was originally created by Congress in the 1970's to provide a category of tax exempt organizations for political parties and political committees. While contributions to a political party or political committee are not tax deductible to the contributor, Congress did provide a tax exemption to the political organization for the money contributed. At the time Congress established the tax exemption, it assumed that since the sole stated purpose of such organizations is to influence elections, the organizations would be filing a more complete disclosure with the FEC under the campaign finance laws and consequently it wasn't necessary to require disclosure with the IRS. Once a federal court ruled in 1996 that coverage under the federal election laws required advocating the election or defeat of a specific candidate and not just seeking to influence the outcome of an election, the backbone of disclosure for Section 527 political organizations dissolved. Section 527 organizations could get the tax exemption for a political organization without having to follow the requirements—both the disclosure requirements and the contribution limits—of the federal election laws. Thus, an organization can state openly to the IRS that it is spending money for the sole purpose of influencing an election and get a tax exemption under Section 527, yet it can avoid registering with the Federal Election Commission because it can argue that its influence is not directed at a specific candidate. That's the kind of Alice-in-Wonderland logic we've got with this loophole.

Today we are offering two alternative solutions to the Section 527 problem. One bill would apply filing requirements to Section 527 organizations that are required of other tax exemption organizations in the Tax Code and add new requirements to disclose contributions to the public; the other would require a Section 527 organization to comply with the federal election laws, as was originally contemplated when Congress created Section 527 in the first place. Given the limited number of legislative days remaining, we think it wise to pass, at a minimum, the bill requiring disclosure under tax code, although as a long-term solution, we favor the bill requiring disclosure and limits under the federal campaign laws.

Mr. President, the Section 527 loophole in our federal campaign laws is a bipartisan problem that requires and deserves a bipartisan solution. Supporters of both parties have Section 527 organizations. This is a loophole in our laws that you can drive not only a truck through, but a convoy of trucks. And that's what's happening as we speak. Individuals and organizations that want to affect our federal elections but don't want to be restricted by our federal election laws are making tracks to Section 527 and establishing Section 527 organizations to run their election ads—without disclosure, without contribution limits.

Now those ads—like other sham issue ads—can't say ''vote for'' or ''don't

elect'', but they can go right up to that line and make essentially the same point.

Mr. President, even if a Member of this body doesn't support campaign finance reform, he or she can support this legislation, because it is about disclosure and it eliminates an unintended consequence of the convergence of two laws—the tax laws and the campaign finance laws. Congress never intended to allow Section 527 organizations to escape both disclosure and campaign finance limits. Yet that's what's happened as a result of recent interpretations by the IRS and a U.S. District Judge. Our legislation reverses these interpretations and reinstates Congressional intent.

In late January of this year, the staff of the Joint Committee on Taxation released a study of the Disclosure Provisions Relating to Tax-Exempt Organizations. In that study, the bipartisan staff addressed Section 527 organizations and the JCT staff recommended: that 527 organizations be required to ''disclose information relating to their activities to the public . . .''; and that 527 organizations ''be required to file an annual return even if the organizations do not have taxable income and that the annual return should be expanded to include more information regarding the activities of the organization.'' [Section 527 organizations currently aren't even required to file a tax return.]

The JCT report said, ''This recommendation is consistent with the recommendation that all tax returns relating to tax-exempt organizations should be disclosable.''

As the 2000 campaign evolves and we get closer to November, the American public is going to be seeing the consequences—the real life consequences of this loophole in our campaign finance laws. Candidates from both parties are going to be hit with ads by groups with names that sound like responsible civic organizations but which in reality are nothing more than well financed political opponents. But the damage from such ads will be incurred well before a candidate can even catch his or her breath much the less make any headway in identifying the source of the money behind the ads. That's why we need this legislation now.

By Mr. ROBB (for himself and Mr. WARNER):

S. 2584. A bill to provide for the allocation of interest accruing to the Abandoned Mine Reclamation Fund, and for other purposes; to the Committee on Energy and Natural Resources.

COAL ACCOUNTABILITY AND RETIRED EMPLOYEE ACT

Mr. ROBB. Mr. President, I am pleased to introduce the Coal Accountability and Retired Employee Act for the 21st Century. This legislation would authorize a transfer of interest from the Abandoned Mine Reclamation Fund to the United Mine Worker Combined Benefit Fund so that we can keep our promise of paying for our retired coal miner's health benefits.

In the 1992 Coal Act, a promise was made to retired coal miners and their families that they would have health benefits. In a few short months, the available funds for these health benefits will be exhausted. We cannot allow this to happen. We made a promise—we must keep it.

Last week, Senator ROCKEFELLER introduced similar legislation to authorize a transfer from general revenues to pay for the shortfall in the retiree health benefits fund. Senator ROCKEFELLER has been a leader on this issue for many years and I strongly support his approach. Last year, thanks to the dogged determination of Senator BYRD, we were able to postpone the inevitable by getting additional funding. This funding, however, will run out in several months. The time has come to make good on the promise to the retired coal miners. This legislation will give retired coal miners and their families the health benefits they deserve.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. GRASSLEY, and Mr. ROCKEFELLER):

S. 2585. A bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services; to the Committee on Finance.

PROTECTING THE SOCIAL SERVICES BLOCK GRANT

Mr. GRAHAM. Mr. President, I rise today with my colleagues Senators JEFFORDS, GRASSLEY, and ROCKEFELLER to introduce a bill to restore critical funding to the Social Services Block Grant (SSBG).

Mr. President, the Social Services Block Grant, Title XX of the Social Security Act, was created in 1981 by combining funding for social services and related staff training, and was intended to be the primary source of federal funds for social services. Funds are allocated to states on a per capita basis and they can use them to address abuse and neglect and to encourage self sufficiency and independence.

Since its creation, SSBG has successfully provided states with funds to address the social service needs they see as most pressing. States have broad flexibility in determining which services meet the needs of their unique populations, who should deliver the services and which families and individuals to serve. The array of needed programs covered under this important block grant range from adoption services to adult protective services—from home delivered meals to day care—from education and training programs to residential treatment services.

In the 1996 welfare law, an agreement was made between Congress and the States to decrease the SSBG from $2.8b to $2.38b until welfare reform was firmly established. The Finance Committee guaranteed states that SSBG would be funded at $2.38 billion per year until FY03 when it would be restored to $2.8b. In order to allow them to continue to fund critical social service programs, Congress allowed states to transfer 10 percent of its Temporary Assistance for Needy Families (TANF) block grant to SSBG. This was an important promise that has been broken. This legislation allows us to return to our promise and an agreement that was critical to the success of the new welfare system.

As members of the Finance Committee, we have an acute understanding of the value of the programs over which we have oversight responsibilities. We have consistently worked, with some success, to ensure the foundation of SSBG.

This overarching commitment was exemplified during the FY 2000 budget process. The Senate showed its bipartisan support for this important program by voting 57–39 to restore Title XX funding to its authorized level of $2.38 billion. Unfortunately, in the final omnibus appropriations bill, Title XX funding was cut from its authorized level of $2.38 billion to $1.775 billion. This $600 million cut is having a direct impact on the availability of necessary services for the nation's neediest citizens.

This year, the Appropriations Subcommittee on Labor, Health, and Human Services and Education has included draconian cuts to this critical program by decreasing the funding levels from $1.7 billion to $600 million. This level of reduction is simply unacceptable and would virtually bankrupt the program.

Our bill would ensure that Title XX funds would remain available to support needed services for children and families in crisis. The block grant has also been one of the only funding sources available for community-based services for elderly and disabled persons. It is unconscionable that this critical source of funding for the most basic and necessary of social services has been cut by over $1 billion in a short five years, and that the Senate Appropriations Committee would suggest a billion dollar cut in one year alone.

If adequate funding for this program is not restored to SSBG, vulnerable children, families, elderly, and disabled persons will be without the assistance they need to live independently. Title XX provides the support necessary for families in crisis, the elderly, and many persons with both physical and mental disabilities to live independently in the community. These funds also provide support through childcare and counseling, both of which are necessary for persons with multiple barriers to employment to successfully leave the TANF rolls.

The importance of the Social Services Block Grant is not only recognized

by state and local governments, but also by non profit providers across the country who have joined together with governments in support of this block grant. Congress needs to also recognize the Social Services Block Grant as the critical safety-net program that it is, and pass our bill to restore funding to the levels necessary to keep our promise to our neediest citizens.

I hope that my Senate colleagues will join us in cosponsoring this critical piece of legislation.

Mr. GRASSLEY. Mr. President, I am very pleased to join my esteemed colleagues, Senators GRAHAM and JEFFORDS, in introducing this important piece of legislation. Title XX, the Social Services Block Grant, is crucial to states. Congress needs to meet its earlier commitment to this program and restore funding to the level authorized in 1996.

The Social Services Block Grant allows states the flexibility to fill in the gaps in their human services system. Through this funding, states, local governments and non-profit organizations can supplement other federal programs and leverage additional funding and resources to support an array of social service programs that are critical to those in need.

Millions of elderly people have benefitted from Title XX as have hundreds of thousand of individuals with disabilities. States use these funds to help support crucial services such as respite care for the elderly, adult protective services, supported living and transportation for the disabled. In recent years, more than a quarter of these funds have been used to support children's services. Child protective services, foster care and adoption programs have all been supplemented with these funds.

In my home state of Iowa, Social Services Block Grant funds are used to supplement numerous service programs. One program uses these funds to help transport individuals with developmental disabilities to their jobs and so that they may receive medical treatment. Funds are also used to help people with disabilities live in their communities, saving significant amounts of money that would otherwise go to caring for them in institutions.

Congress has consistently cut this important program in order to pay for other things. It is time that we restore funding to the level we authorized in 1996. Without this funding, important services that protect children, the elderly and the disabled will not be provided. I urge my other colleagues in the Senate to support our efforts to restore this program to the necessary level of funding.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 861

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 861, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 1159

At the request of Mr. STEVENS, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1291

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1291, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1668

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1668, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1816

At the request of Mr. HAGEL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1816, a bill to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

S. 1938

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1938, a bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2045

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2083

At the request of Mr. ROBB, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2083, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2311

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S.

2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2416

At the request of Mr. ASHCROFT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2416, a bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the ''Harry S. Truman Federal Building.''

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2460

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2460, a bill to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2538

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2538, a bill to amend the Internal Revenue Code of 1986 to maintain retiree health benefits under the Coal Industry Retiree Heath Benefit Act of 1992.

S. CON. RES. 98

At the request of Mr. DEWINE, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

S. CON. RES. 100

At the request of Mr. HAGEL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

AMENDMENT NO. 3146

At the request of Mr. ROBB, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of Amendment No. 3146 intended to be proposed to S. 2521, an original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENTS SUBMITTED

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

HUTCHISON AMENDMENT NO. 3151

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 63, line 20, strike ''July 31, 2001'' and insert ''December 31, 2001''.

On page 66, line 3, strike ''July 31, 2001'' and insert ''December 31, 2001''.

On page 67, line 3, strike ''July 31, 2001'' and insert ''December 31, 2001''.

DISASTER MITIGATION ACT OF 1999

SMITH AMENDMENTS NOS. 3152–3153

(Ordered to lie on the table.)

Mrs. SMITH of New Hampshire submitted two amendments intended to be proposed by him to the bill (S. 1691) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; as follows:

AMENDMENT NO. 3152

In section 201—

(1) insert ''(a) IN GENERAL.—'' before ''Section''; and

(2) add at the end the following:

(b) TECHNICAL AMENDMENTS.—Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking ''section 803 of the Public Works and Economic Development Act of 1965'' each place it appears and inserting ''sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149)''.

AMENDMENT NO. 3153

Section 203(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 102 of the bill, is amended—

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

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State as a condition of receipt of the annual emergency management performance grant awarded to the State by the Federal Emergency Management Agency.

Section 204(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 103 of the bill, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by adding ''and'' at the end;

(B) by striking subparagraph (B); and

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

(2) by adding at the end the following:

''(3) CONDITIONS FOR INCENTIVES.—To be eligible for an incentive under paragraph (1), an owner of a building located in a natural disaster mitigation zone that is not subject to subsection (c) shall have obtained and be maintaining adequate levels of insurance with respect to the building (as determined by the President).

In section 201—

(1) insert ''(a) IN GENERAL.—'' before ''Section''; and

(2) add at the end the following:

(b) TECHNICAL AMENDMENTS.—Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking ''section 803 of the Public Works and Economic Development Act of 1965'' each place it appears and inserting ''sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149)''.

Section 406(e)(1)(A)(ii) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), as amended by section 203(d)(1) of the bill, is amended—

(1) by striking ''current applicable''; and

(2) by inserting before the period at the end the following: ''applicable at the time at which the disaster occurred''

Section 323(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 204(a) of the bill, is amended—

(1) by striking ''If'' and inserting the following:

''(1) IN GENERAL.—If''; and

(2) by adding at the end the following:

''(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

''(A) eligibility criteria for property acquisition and other types of mitigation measures;

''(B) requirements for cost effectiveness that are related to the eligibility criteria;

''(C) a system of priorities that is related to the eligibility criteria;

''(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete; and

''(E) hazard resistant construction standards, as may be required under section 324.

In title II, add at the end the following:

SEC. 210. TEMPORARY HOUSING ASSISTANCE.

Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) is amended—

(1) by striking ''In lieu of'' and inserting the following:

''(1) IN GENERAL.—In lieu of''; and

(2) by adding at the end the following:

''(2) LIMITATION ON ASSISTANCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided to a household under this subsection shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(B) ADDITIONAL ASSISTANCE.—The President may provide additional assistance to a household that is unable to secure temporary housing through insurance proceeds or loans or other financial assistance from the Small Business Administration or another Federal agency.''.

SEC. 211. INDIVIDUAL AND FAMILY GRANT PROGRAM.

Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The President, in consultation and coordination with a State, may make a grant directly, or through the State, to an individual or a family that is adversely affected by a major disaster to assist the individual or family in meeting disaster-related necessary expenses or serious needs of the individual or family, if the individual or family is unable to meet the expenses or needs through—

''(1) assistance under other provisions of this Act; or

''(2) other means.'';

(2) by striking subsection (d) and inserting the following:

''(d) ADMINISTRATIVE EXPENSES.—If a State determines that a grant to an individual or a family under this section shall be made through the State, the State shall pay, without reimbursement from any funds made available under this Act, the cost of all administrative expenses associated with the management of the grant by the State.'';

(3) by striking subsection (e); and

(4) by redesignating subsection (f) as subsection (e).

In section 302—

(1) insert ''(a) TERRITORIES.—'' before ''Section 102''; and

(2) add at the end the following:

(b) LOCAL GOVERNMENT.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by striking paragraph (6) and inserting the following:

''(6) LOCAL GOVERNMENT.—The term 'local government' means—

''(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

''(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

''(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.''.

(c) PRIVATE NONPROFIT FACILITY.—Section 102(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(9)) is amended by inserting ''irrigation,'' after ''utility,''

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

LEVIN (AND OTHERS) AMENDMENT NO. 3154

Mr. LEVIN (for himself, Mr. MCCAIN, Mr. LUGAR, Mr. BIDEN, Mr. HAGEL, Mr. LIEBERMAN, Mr. SMITH of Oregon, Mr. ROBB, Mr. VOINOVICH, Mr. REED, Mr. MACK, Mr. LAUTENBERG, Mr. KERRY, Mr. DASCHLE, and Mr. COCHRAN) proposed an amendment to the bill, S. 2521, supra; as follows:

Strike section 2410.

STEVENS (AND OTHERS) AMENDMENT NO. 3155

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. COVERDELL, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 2521, supra; as follows:

On page 26, at line 15, strike, ''$74,859,000'', and insert in lieu thereof, ''$542,859,000''; and

On page 27, at line 7, strike, '';'', and insert in lieu thereof: ''; Acquisition of six C–130J long-range maritime patrol aircraft authorized under section 812(G) of the Western Hemisphere Drug Elimination Act that are capable of meeting defense-related and other elements of the Coast Guard's multi-mission requirements, $468,000,000.''

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources to consider the outlook for America's natural gas demand.

The hearing will take place on Thursday, May 25, 2000, beginning at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Presentation of oral testimony is by Committee invitation only. However, those who wish to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information regarding the hearing, please contact Dan Kish at (202) 224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 17, 2000, at 9:30 a.m. on global warming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 17, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 17, 2000 at 2:00 p.m. to conduct an oversight hearing on Implementation of the Indian Arts and Crafts Act (P.L. 101–644). The hearing will take place in room 562, Dirksen Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 17, 2000 at 2:00 p.m. to conduct a hearing on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Pick-Sloan Project and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota. The hearing will be held in the Committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, Jay 17, 2000, for an Open Executive Session to mark up legislation extending permanent Normal Trading Relations to China.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, May 17, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 17, 2000, at 9:30 a.m., to receive testimony on legislative remedies, including S. 1816, the Hagel-Kerrey-Abraham-Landrieu campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be

authorized to meet during the session of the Senate on Wednesday, May 17, at 9:30 a.m., to conduct a Clean Air Act Reauthorization hearing to receive testimony on an incentive-based utility emissions reduction approach in the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 17, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 17 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Mark Borreson, a fellow from my office, be allowed floor privileges during the remainder of the military construction debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Robert Herbert, a congressional fellow in my office, be allowed the privilege of the floor during consideration of S. 2521.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 3709

Mr. SESSIONS. Mr. President, I understand that H.R. 3709 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3709) to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

Mr. SESSIONS. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider en bloc all of the military nominations reported by the Armed Services Committee today. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. John J. Catton, Jr., 0000

The following named officer for appointment to the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert E. Lytle, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Donald G. Cook, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Roger G. DeKok, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert C. Hinson, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Hal M. Hornburg, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph H. Wehrle, Jr., 0000

ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles W. Fletcher, Jr., 0000

NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Phillip M. Balisle, 0000
Rear Adm. (lh) John T. Byrd, 0000
Rear Adm. (lh) William W. Cobb, Jr., 0000,
Rear Adm. (lh) Christopher W. Cole, 0000
Rear Adm. (lh) David R. Ellison, 0000
Rear Adm. (lh) David T. Hart, Jr., 0000
Rear Adm. (lh) Kenneth F. Heimgartner, 0000
Rear Adm. (lh) Joseph G. Henry, 0000
Rear Adm. (lh) Gerald L. Hoewing, 0000
Rear Adm. (lh) Michael L. Holmes, 0000
Rear Adm. (lh) William R. Klemm, 0000
Rear Adm. (lh) Michael D. Malone, 0000
Rear Adm. (lh) Peter W. Marzluff, 0000
Rear Adm. (lh) James D. McArthur, Jr., 0000
Rear Adm. (lh) Michael J. McCabe, 0000
Rear Adm. (lh) David C. Nichols, Jr., 0000
Rear Adm. (lh) Perry M. Ratliff, 0000
Rear Adm. (lh) Gary Roughhead, 0000
Rear Adm. (lh) Kenneth D. Slaght, 0000
Rear Adm. (lh) Stanley R. Szemborski, 0000
Rear Adm. (lh) Henry G. Ulrich III, 0000
Rear Adm. (lh) George E. Voelker, 0000
Rear Adm. (lh) Robert F. Willard, 0000

The following named officer for appointment as Chief of Chaplains, United States Navy, and appointment to the grade indicated under title 10, U.S.C., section 5142:

To be Rear Admiral

Rear Adm. (lh) Barry C. Black, 0000

The following named officer for appointment as Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033:

To be Admiral

Adm. Vernon E. Clark, 0000

IN THE AIR FORCE

Air Force nominations beginning DAVID C. ABRUZZI, and ending MICHAEL J. ZUBER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 25, 2000

IN THE ARMY

Army nomination of Manester Y. Bruno, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 25, 2000

IN THE MARINE CORPS

Marine Corps nominations beginning DEBRA A. ANDERSON, and ending SCOTT C. WHITNEY, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 25, 2000

IN THE NAVY

Navy nomination of Richard L. Page, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2000

Navy nomination of Thomas B. Lee, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 25, 2000

Navy nominations beginning CHARLES A. ARMIN, and ending MARK D. PYLE, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 25, 2000

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, MAY 18, 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Thursday, May 18. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date,

the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the military construction appropriations bill under the previous order, with Senators LAUTENBERG and ROBERTS to be recognized for up to 20 minutes and 15 minutes, respectively, in the order just stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask unanimous consent that the remaining time for debate prior to the vote be as follows: Senator WARNER in control of 1 hour and 45 minutes, Senator BYRD in control of 1 hour, Senator LEVIN in control of 2 hours and 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, the majority leader would like them to know that the Senate will resume consideration of the military construction appropriations legislation at 9 a.m. tomorrow. Under the order, there is approximately 5½ hours of debate remaining on the Levin amendment regarding Kosovo, with a vote scheduled to occur at 2:30 p.m. Following that vote, it is hoped the Senate can proceed to a vote on final passage of the bill.

It is the intention of the leader to begin consideration of the foreign operations appropriations bill by tomorrow afternoon. Further votes are possible during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:06 p.m., adjourned until Thursday, May 18, 2000, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 17, 2000:

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERT MAYS LYFORD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2002, VICE HARVEY SIGELBAUM, TERM EXPIRED.

DEPARTMENT OF DEFENSE

ROGER W. KALLOCK, OF OHIO, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIAL READINESS. (NEW POSITION)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. TOMMY R. FRANKS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY AS DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4335:

To be brigadier general

COL. DANIEL J. KAUFMAN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CARLTON W. FULFORD, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN J. GROSSENBACHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. GREGORY G. JOHNSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAY A. STAPF, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

PAUL B. THOMPSON, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOHN J. CATTON JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT E. LYTLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DONALD G. COOK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROGER G. DEKOK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT C. HINSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. HAL M. HORNBURG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH H. WEHRLE JR., 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES W. FLETCHER JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) PHILLIP M. BALISLE, 0000
REAR ADM. (LH) JOHN T. BYRD, 0000
REAR ADM. (LH) WILLIAM W. COBB JR, 0000
REAR ADM. (LH) CHRISTOPHER W. COLE, 0000
REAR ADM. (LH) DAVID R. ELLISON, 0000
REAR ADM. (LH) DAVID T. HART JR, 0000
REAR ADM. (LH) KENNETH F. HEIMGARTNER, 0000
REAR ADM. (LH) JOSEPH G. HENRY, 0000
REAR ADM. (LH) GERALD L. HOEWING, 0000
REAR ADM. (LH) MICHAEL L. HOLMES, 0000
REAR ADM. (LH) WILLIAM R. KLEMM, 0000
REAR ADM. (LH) MICHAEL D. MALONE, 0000
REAR ADM. (LH) PETER W. MARZLUFF, 0000
REAR ADM. (LH) JAMES D. MCARTHUR JR, 0000
REAR ADM. (LH) MICHAEL J. MCCABE, 0000
REAR ADM. (LH) DAVID C. NICHOLS JR, 0000
REAR ADM. (LH) PERRY M. RATLIFF, 0000
REAR ADM. (LH) GARY ROUGHEAD, 0000
REAR ADM. (LH) KENNETH D. SLAGHT, 0000
REAR ADM. (LH) STANLEY R. SZEMBORSKI, 0000
REAR ADM. (LH) HENRY G. ULRICH, III, 0000
REAR ADM. (LH) GEORGE E. VOELKER, 0000
REAR ADM. (LH) ROBERT F. WILLARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

To be rear admiral

REAR ADM. (LH) BARRY C. BLACK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

To be admiral

ADM. VERNON E. CLARK, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING DAVID C ABRUZZI, AND ENDING MICHAEL J ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 2000.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL SERVICE CORPS (MS) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

MANESTER Y. BRUNO, 0000, MS

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING DEBRA A ANDERSON, AND ENDING SCOTT C WHITNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 2000.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD L. PAGE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THOMAS B. LEE JR., 0000

NAVY NOMINATIONS BEGINNING CHARLES A. ARMIN, AND ENDING MARK D. PYLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 2000.

EXTENSIONS OF REMARKS

IN HONOR OF JUDGE JULIO FUENTES' APPOINTMENT TO THE THIRD U.S. CIRCUIT COURT OF APPEALS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Judge Julio Fuentes for his appointment to the Third U.S. Circuit Court of Appeals.

Judge Fuentes was born in Puerto Rico and raised in Toms River, New Jersey. He served in the U.S. Army from 1966 to 1969 as a military police officer. He earned his bachelors degree at Southern Illinois University and his Juris Doctor at the State University of New York at Buffalo. His hunger for knowledge never ends: while serving as a judge, Fuentes earned two master's degrees, one in Latin American Affairs at New York University and one in Liberal Arts at Rutgers University.

Throughout his career, Judge Fuentes has served with distinction and honor. For 21 years, he has proven himself to be a fair, open-minded, intelligent, and dedicated public servant. His dedicated service to New Jersey at the Municipal and Superior Court levels has well prepared him for this challenging position.

Judge Fuentes' appointment resonates with historical significance. He is the first Hispanic ever to be appointed to this prestigious court. The time has come for the judicial branch to better reflect America's rich diversity, and Judge Fuentes' appointment embraces that diversity and honors our heritage.

I ask my colleagues to join me in honoring Judge Julio Fuentes for his appointment to the Third U.S. Circuit Court of Appeals.

EDCNP CELEBRATES 35TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to the Economic Development Council of Northeastern Pennsylvania, which recently celebrated its 35th anniversary. I am pleased and proud to have been asked to participate in this event.

In 1964, a small group of private sector leaders gathered to discuss forming a regional economic development entity, which would assist the local chambers of commerce in their work. The original group included members of the banking and business communities, colleges and universities, utilities, and others. These informal discussions led to the formation of the Economic Development Council of Northeastern Pennsylvania, or EDCNP as it is well known today.

The council hired its first executive director, expanded its board, and two years later became a private/public sector partnership with designation as a development district. In 1965, two federal acts for economic assistance were enacted. These legislative proposals, first suggested by John F. Kennedy, were signed into law by Lyndon Johnson. These landmark acts, the Appalachian Regional Development Act and the Public Works and Regional Development Act became the springboard for EDCNP to expand to seven counties under what is known as the substate regional plan.

Mr. Speaker, the EDCNP has provided numerous services to the community over the 35 years of its existence. Under the leadership of current president David Donlin and executive director Howard Grossman, the EDCNP continues to strive to promote economic development throughout our region. During my tenure in Congress, I have had the pleasure of working with the EDCNP on many economic development efforts. Working to highlight the importance of the Tobyhanna Army Depot during the last round of base closures, and getting the Susquehanna River named an American Heritage River are just two of the most recent efforts.

This organization provides many valuable services to Northeastern Pennsylvania, and I am pleased and proud to bring this distinguished organization to the attention of my colleagues. I send my very best wishes for continued success.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Monday, May 15, 2000, I was unable to cast my floor vote on rollcall Nos. 180–182. The votes I missed include rollcall vote 180 on the Motion to Suspend the Rules and Agree to H. Res. 491, naming a room in the House of Representatives wing of the Capitol in honor of G.V. ''Sonny'' Montgomery; rollcall vote 181 on the Motion to Suspend the Rules and Pass, as Amended H.R. 4251, Congressional Oversight of Nuclear Transfers to North Korea Act; and rollcall 182 on the Motion to Suspend the Rules and Agree to H. Con. Res. 309, Expressing the Sense of the Congress with Regard to in-School Personal Safety Education Programs for Children.

Had I been present for the votes, I would have voted ''aye'' on rollcall votes 180, 181, and 182.

FRANK RAINES' STATEMENT ON PREDATORY LENDING

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. FATTAH. Mr. Speaker, I hope that all of the members of this body had the opportunity to hear Frank Raines, Chairman and Chief Executive Officer at Fannie Mae speak at the National Press Club—Newsmakers Luncheon on May 12, 2000. I was very impressed when Frank reported that, ''Since 1993, Fannie Mae initiatives have boosted lending to African Americans by 31 percent, and to all minorities by 16 percent. Last year, Fannie Mae alone provided nearly $46 billion in housing finance for over 400,000 minority families.''

While more needs to be done, Fannie Mae is headed in the right direction. I plan to place Frank's speech in today's RECORD.

Mr. Speaker, Fannie Mae has also established new anti-predatory lending policies for the loans it purchases from lenders. According to Frank Raines, ''Predatory lending violates three basic mortgage consumer rights: the right to access suitable mortgage credit; the right to the lowest cost mortgage for which a consumer can qualify; and, the right to know the true cost of a mortgage.'' Mr. Raines continues, ''We at Fannie Mae have an obligation to define the loans we will not buy, and practices we will not support—practices that can have the effect of encouraging predatory lending. Many of these practices such as steering, equity stripping, excessive fees, and prepayment penalties, take away affordable mortgage opportunities from those borrowers who need it the most.''

Mr. Speaker, Fannie Mae's guidelines and the company's recently released Mortgage Consumer's Bill of Rights, which promote consumer advocacy in housing finance, are bold steps forward in the effort to combat predatory lending practices. I applaud Mr. Raines for his leadership.

Mr. Speaker, we need Fannie Mae to do for the so-called sub-prime market what they have done for the conventional mortgage market: establish underwriting standards that would make it harder for predatory lenders to charge consumers 25-point origination fees, pre-payment penalties and the like. Fannie Mae has begun that process by announcing the availability of their Timely Payment Rewards mortgage. This mortgage offers home buyers with slightly impaired credit a lower rate than they could hope to get from a subprime lender—plus the possibility of another percentage point decrease in the interest rate if they maintain an on-time payment history for 24 months. Consumer savings provided by the Timely Payment Rewards Mortgage, savings which could amount to as much as $230 a month on a $100,000 loan, come from the bottom lines of the predatory lenders.

Consumer groups, and many lenders, have welcomed Fannie Mae's new loan for its innovation and appeal, as well as for the expansion of homeownership opportunities it portends. But not all lenders were pleased about this initiative. I'm sure that some of my colleagues have recently been visited by a group calling themselves FM Watch. They are a collection of mortgage insurers, taxpayer-guaranteed large depository institutions and sub-prime lenders who want to use the legislative process to win from Fannie Mae what they've been unable to win in the marketplace. They are supporting legislation introduced by Representative RICHARD BAKER—H.R. 3703. Fannie Mae and others have dubbed FM Watch, ''The Coalition for Higher Mortgage Costs,'' because their actions produce this result. Two of the trade associations that formed FM Watch, the National Home Equity Mortgage Association and the Consumer Mortgage Coalition, attacked Fannie Mae's announcement as an intrusion into ''their market''. Both organizations include many lenders who are active in the sub-prime market.

I hope that the lobbying efforts of competitors who are trying to protect their profits won't deter Fannie Mae from pushing forward with its anti-predatory lending principles and with Timely Payment Rewards.

Mr. Speaker, each of us has an obligation to understand this predatory lending issue and to examine the true motives of some of those who lobby us on this matter. We all know that to find out the truth, you have to ''follow the money.'' Mr. Speaker, I urge my colleagues to not listen to ''The Coalition for Higher Mortgage Costs'' and to oppose H.R. 3703.

REMARKS PREPARED FOR DELIVERY BY FRANKLIN D. RAINES, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, FANNIE MAE

Thank you for joining us today.

These are ''interesting'' times for the housing industry, and we wanted to bring you up to date since Jim Johnson gave his farewell address as Chairman of Fannie Mae from this podium in November of 1998. A year and a half may not seem like a long time, but it has been an unusually turbulent period, and much is at stake.

As some of you may recall, Jim titled his speech, ''Why Homeownership Matters—Lessons Learned from a Decade in Housing Finance.'' He painted a very positive picture. He said the American Dream of homeownership was more alive, achievable and inclusive than ever. He said the growth in homeownership is making everything better, from the wealth of average families, to the health of older communities, to the strength of the nation's economy. The housing finance system, he declared, was the most efficient and effective ever devised.

Jim was absolutely right. And things have gotten even better. The national homeownership rate has just topped 67 percent, a new record. Even though mortgage rates have gone up, the housing market remains robust. Housing starts are strong. Home sales are vigorous. Home values are appreciating. Households are growing. Homes are getting larger. Home equity is rising. Default and foreclosure rates are at historic lows.

And the process of buying a home has never been better. Automated underwriting and other advances have made it faster, easier, less frustrating and less costly to finance a home, and reduced the bias in lending decisions. E-commerce and financial deregulation are giving consumers more power and more choices at lower costs. The mortgage industry has been breaking through the old red lines and bringing affordable housing finance to families that used to be overlooked, neglected or rejected.

Behind all of this, the secondary mortgage market—including Fannie Mae—is attracting billions of dollars of private capital from all over the world, providing lenders with a steady flow of funds in all communities at the lowest rates in the market and with zero risk to the government.

With the system we have today, and with the economic winds at our backs,

Yogi Berra warned that, ''A guy ought to be very careful in making predictions, especially about the future.'' But I think we're on pretty solid ground in predicting that the future of homeownership in America is very positive.

But I stand before you at a moment when questions have been raised about the utility of the U.S. secondary mortgage market that is so integral to the system's functioning as a whole. Some of these inquiries are well meaning. But it is no secret that some of the questions are generated by financial competitors that would earn more if Fannie Mae and Freddie Mac were not lowering costs for consumers.

The U.S. housing finance system is strong, but it is not indestructible. Changing it significantly could have real consequences for real families. The burden of proof for anyone that wants to change the system is a simple but stringent test—does it help or hurt home buyers?

Today, let me reinforce why our system works so well and what we are up against.

To illustrate what is so good about our system, let's compare it to the other major industrialized countries. Most of the G–7 countries have a well-developed mortgage system organized around depository institutions. But the mortgages they offer are less consumer-friendly. In America we take the 30-year, fixed-rate mortgage for granted. Last year, 66 percent of the mortgages issued in the U.S. were 30-year, fixed-rate conventional mortgages.

Outside the U.S., the long-term fixed-rate mortgage is a rarity. In Canada, they have rollover mortgages, where the rate is fixed during the first one to five years, with a prepayment penalty equal to three months of interest. The fixed-rate term in Spain is usually one year. In France, 80 percent of all mortgages have variable rates. In Germany, you can get a fixed-rate for five to fifteen years, but you can't refinance during this period without paying a huge penalty.

The low down payment features of U.S. conventional mortgages are also unique. We now take for granted down payments as low as 5 and 3 percent. That's not the case in, say, Germany, France, the United Kingdom or Japan. In Germany, the down payment is typically 30 to 40 percent, and in Japan, you've had to put down effectively 50 to 60 percent.

Why are American conventional mortgages more consumer-friendly? Mainly because we have a secondary mortgage market. In other countries, the banks largely make the loans from their deposits and hold the mortgages as an investment. Our system primarily worked that way until the 1970s and 1980s. Today in America, banks, thrifts, mortgage bankers and credit unions make the loans, but they can depend on the secondary market to supply the long-term funding.

What Congress did in establishing a secondary market in the thirties and privatizing this market in the sixties made this change possible, and it has turned out to be absolutely brilliant. When it chartered Fannie Mae and then Freddie Mac as private companies, it created a system that harnesses private enterprise and private capital to deliver the public benefit of homeownership. And it maximizes this public benefit while minimizing the public risk, without a nickel of public funds.

Let's do a quick risk-benefit analysis, starting with the risk side of the equation.

There is a simple reason fixed-rate mortgages with low down payments are rare outside the U.S. Since they don't have a secondary market to buy the mortgage, the lender has to hold the loan and take on all the risk. That is, the lender has to assume the credit risk—the risk that the borrower could default—and the interest-rate risk—the risk that interest rates will change and cause the lender to pay out more to depositors than he is receiving on loans. So the lender protects himself by requiring the consumer to pay more up front and more each month if interest rates rise.

In America, the secondary market purchases the mortgage, taking most of the credit and interest rate risk on the loan off the lenders' books. But the secondary market run by Fannie Mae and Freddie Mac does not retain all the risk. We share or disperse the risk around the world.

This process is called ''risk transformation.'' Here's how it works. Fannie Mae and our lender partners create mortgages that consumers want, like our 3 percent down Fannie 97. And we finance them with capital we raise by creating debt instruments that investors want, like our Benchmark securities. We share the credit risk on the Fannie 97 with mortgage insurance companies, and we hedge the interest rate risk by selling callable debt securities to Wall Street. We also work with Wall Street to develop even more refined strategies for hedging our interest-rate risk and credit risk. Last year, we spent about half of our gross revenues paying others to assume risk we didn't want.

Managing risk, in fact, is all we do. We manage risk on one asset—U.S. home mortgages—perhaps the safest asset in the world. All told, 96 percent of all mortgages in America are paid in a timely fashion, which goes to show just how much Americans cherish homeownership. And to help us analyze our risk precisely, we have amassed performance data on 29 million loans dating back over 20 years.

All of this helps to explain why our credit loss rate during the nineties averaged only 5 basis points—five cents on every hundred dollars—even during the recessions in California and New England. Just to compare, the bank credit loss rate on their more diverse set of assets was an average of 86 basis points, or 86 cents on every hundred dollars. Today, our loss rate is lower than ever, at just 1 basis point last year.

A strong secondary market makes the entire financial system safer and more stable. The government holds Fannie Mae and Freddie Mac to the highest financial safety and soundness standards in the financial services industry. We have to hold enough capital to survive a stress test—essentially, ten years of devastating mortgage defaults and extreme interest rate movements. Other financial institutions would not last long under the scenario spelled out in our capital requirements. Thrifts, for example, would become insolvent after five to seven years. At the end of the ten years, Fannie Mae and Freddie Mac would be the only major holder of mortgage assets still standing. A strong secondary market puts mortgages in the safest hands.

Now let's look at the public benefit.

First, the secondary market means consumers never have to hear their lender say,

''sorry—we're out of money to lend.'' People think this can't happen, that it's something out of the Depression era. But without Fannie Mae and Freddie Mac, this could have happened at least twice in the last 20 years. When the S&L system crashed during the eighties, the thrifts in California and Texas would have had no money to lend if we had not stepped

The secondary market also drives down mortgage costs. Last week, a mortgage backed by Fannie Mae would be $19,000 cheaper, over the term, than a jumbo mortgage that's just a dollar beyond our loan limit. Our savings over the jumbo market jumped beyond $26,000 during the credit crisis of 1998. Today, a Fannie Mae loan is about $200,000 cheaper than a subprime mortgage, and even about $18,000 cheaper than an equivalent FHA or VA loan backed by the government. During the nineties, Fannie Mae alone saved consumers at least $20 billion through lower mortgage rates.

The secondary market also expands homeownership. Under the 1992 revisions to our charter, Congress requires Fannie Mae and Freddie Mac to meet affordable housing goals, to devote a set percentage of our business to underserved families and communities. As many of you know, Fannie Mae has gone well beyond these requirements. In 1994, Jim Johnson pledged that we would provide $1 trillion in housing finance to ten million underserved families by the end of 2000. We met that goal a month ago—eight months ahead of schedule—and immediately set an even greater goal to provide $2 trillion in financing to 18 million families during this decade. We call this new pledge the American Dream Commitment.

Since 1993, these initiatives have boosted our lending to African Americans by 31 percent, and to all minorities by 16 percent. Last year, Fannie Mae alone provided nearly $46 billion in housing finance for over 400,000 minority families. That's what having a strong secondary market can do.

The success of our housing finance system is not lost on the other major industrialized countries. I just returned on Tuesday from meetings in London and Frankfurt with our debt investors—the people who buy our Benchmark securities that allow us to finance mortgages here. One of the many ironies of being Chairman of Fannie Mae is that there are countries in which investors will help finance American homeownership while their own homeownership rate is lower.

Naturally, many countries are curious about our system. Fannie Mae has responded to many requests to serve as advisors overseas, not because we will ever buy loans abroad, but because of our expertise in the unique U.S. secondary market, a market that is viewed in other countries as some kind of miracle.

So over the past few years, a team from Fannie Mae has been invited to 29 different countries from Europe, to Africa, to Latin America, to Asia to help them figure out how to build a better system like ours. These countries have asked us how to deepen their capital markets, manage risk better and expand affordable lending and fair lending. We just had a team in South Africa to help a start-up secondary market conduit develop mortgage risk modeling, which they want to use to fight redlining.

What you see in America is a dynamic web of entities—both public and private sector—delivering homeownership to citizens of all backgrounds, incomes and circumstances. We have small, medium and large mortgage originators and lenders, serving consumers from store fronts to web sites. We have home builders, Realtors, mortgage brokers, mortgage insurers and appraisers and mortgage.coms. We have consumer advocates, citizen activists and nonprofit housing organizations. The system receives wide support from local, county, state and federal agencies and elected leaders,

The interaction of these entities is constantly driving the housing system to improve itself, to reward low cost and high quality, to police the bad actors and chuck out the bad apples, to search for new markets and untapped home buyers, and break down the barriers. Looking back over my years in the industry gives me confidence that the U.S. housing system, with a little nudging here and there, will continue to do the right thing for consumers. Good money will drive out the bad. A better mousetrap is always in development. Underserved families will be served. Our system is constantly evolving and innovating to make owning a home more possible for more people.

Given how great our system is, it makes you wonder: Why are some voices suggesting there is something wrong with our housing finance system, something fundamental that needs to be fixed?

Certainly, the system benefits from constructive scrutiny. It is entirely appropriate for the Congress to hold oversight hearings on the safety and soundness of the secondary mortgage market. I look forward to testifying before Mr. Baker's subcommittee next week. It is also appropriate for our regulators—HUD and OFHEO—to monitor us closely. And it is appropriate for other agencies to ask questions within their purview as well. We welcome official scrutiny.

But something less constructive is also going on here in Washington. Recently, a senior Senator asked me why Fannie Mae was suddenly in the news so much. I explained to him that some very large financial institutions have decided they are not content with the way the system works for them. They see how Fannie Mae and Freddie Mac drive down mortgage costs for consumers and serve all mortgage lenders. They see how we give small- and medium-sized mortgage lenders a chance to compete with the large institutions. So this small group of large institutions would like to eliminate the benefits that Fannie Mae and Freddie Mac provide, from low-cost financing to automated underwriting systems.

They have brought the fight to Washington under the name FM Watch. They began by defining themselves as a watchdog group, and their rhetoric was mild. But over the course of the past year, they have been unable to gain any traction. They have been unable to answer the question of how the consumer would benefit from any of their proposals regarding Fannie Mae and Freddie Mac. And or nickname for this group, the ''Coalition for Higher Mortgage Costs,'' has stuck like a tattoo.

So this group has switched from watchdog to attack dog. Its strategy is now to create an instant crisis, to convince policymakers that Fannie Mae and Freddie Mac are a financial risk to the taxpayer, an S&L crisis waiting to happen. This is the equivalent of the owner of one movie theater going to a rival theater and shouting ''fire!'' A mortgage insurance industry that nearly collapsed in the 1980s and a banking industry that collapsed in the early 1990s now seek to tag the secondary mortgage industry with the word ''risky.''

By trying to create a crisis, FM Watch has gone beyond a watchdog role into an approach which, carried to its logical conclusion, would actually harm the housing finance system, all in an effort to create short-term advantages for its members.

Never mind that its claims collapse under scrutiny. Fannie Mae and Freddie Mac are far from the S&L problems and banking problems that bankrupted their deposit insurance funds and required federal direct and indirect bailouts.

Our safety and soundness allowed us to be the ''white hats'' in the S&L and banking crises as we rode in with additional capital to keep the housing system going. The risk-based capital standard that Congress gave us since the S&L and banking crises has made us even more safe and sound. What FM Watch does not mention is that if the economic stress test in our capital standard ever came to pass, the government would have to bail out their members long before Fannie Mae was in any danger.

But you can learn a lot from debating with an entity like FM Watch. They use so many facts that you just can't find anywhere else. It reminds me of a story Adlai Stevenson once told. He reminded his audience of the old lawyer addressing the jury, who closed his summation by saying: ''And these, ladies and gentlemen, are the conclusions on which I base my facts.'' FM Watch is looking for any conclusion that will help to damage Fannie Mae and Freddie Mac. The facts will be altered to fit.

If this Coalition for Higher Mortgage Costs were successful, it would destabilize the secondary mortgage market and the related capital markets. This destabilization would undermine the entire housing industry and its progress, raise costs for consumers and stifle the advance of homeownership—harming underserved families first. Because such an outcome is unacceptable, I don't think this will happen. The American people and their elected representatives are smart. They will soon recognize another lobbyist-driven Potemkin-crisis public relations campaign for what it is. Then they and the capital markets will stop listening.

Certainly our housing system is not perfect. Minority homeownership rates are too low. There is still inequality in affordable mortgage credit. Too many families that can afford the least are being charged the most for mortgage credit. Too many borrowers are being targeted by predatory lenders or steered to subprime lending when they could, in fact, qualify for low-cost conventional financing.

One issue deserving of further study is the question of why disparities in loan approvals between white and minority borrowers continue to persist. Many have suspected overt racial discrimination. But those disparities can be found even in automated underwriting systems using racially neutral underwriting criteria.

We take this issue very seriously because in our experience, automated underwriting has in fact expanded lending to minority families. To try to understand the problem better, we have studied results from our system, Desktop Underwriter. We found that differences in credit histories account for about 50 percent of the difference in loan approvals. And when you also factor in the applicant's loan-to-value ratio and reserves, these three factors together account for over 90 percent of the difference in the approval ratings. The results of this study point to

the need for public policies addressing consumer credit education and minority savings and wealth development.

The housing finance system needs more answers to questions such as this. To further explore these issues, next month Fannie Mae is hosting a conference titled ''The Role of Automated Underwriting in Expanding Minority Homeownership.'' We're bringing together a range of advocates, academics, regulators and lenders to engage in a meaningful dialogue concerning automated underwriting systems and their role in expanding homeownership and promoting fair lending. I am personally committed to working every day to make sure that these systems are the best they can possibly be.

All in all, the housing finance system—through inspiration, perspiration and a little luck—has grown into the most successful system in the world. It is worth protecting and defending. We must never allow the system to be damaged by those who would place their narrow financial interests ahead of those of the industry as a whole and—most importantly—ahead of the consumers we serve.

This being a national election year, it is a good time to discuss and debate our national priorities, and certainly homeownership is high among them. Few ideals unite us more than owning a home to raise your family, invest your income, become part of a community and have something to show for it. There are many ways to go about improving the housing finance system to make it better, more affordable and more inclusive. As we pursue these efforts, we need to keep our eyes on the prize and ask the most important question, ''does this proposal help or hurt home buyers?''

Thank you.

CONSERVATION AND REINVESTMENT ACT OF 1999

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes:

Mr. HOYER Mr. Chairman, I regrettably oppose H.R. 701. I say regrettably, Mr. Chairman, because there is much in this measure that I strongly support. The Land and Water Conservation Fund, Wildlife Conservation, Urban Parks, Historic Preservation, and Conservation Easements are objectives that I have supported throughout my career.

Unfortunately, H.R. 701 funds these measures by making approximately $2.8 billion in discretionary spending mandatory spending. As mandatory spending it is not subject to the annual appropriations process. I know that for some this is a positive thing but as a member of the Appropriations Committee, I simply cannot support this.

In the past I have opposed similar efforts to make highway and aviation spending mandatory. Not necessarily because I opposed the objective, but because I disagreed with the precedent.

My friends, since coming to Congress I have seen discretionary spending squeezed harder and harder every year as the mandatory spending components of the budget have grown. Thirty years ago discretionary spending accounted for 61.5% of the budget with the remaining 38.5% reserved for mandatory spending. By 1980 discretionary spending had declined to 46.7% of the budget. By 1990 this figure fell even further to 39.9% and this year the estimate is that discretionary spending will account for only 34.5% of the budget.

The remaining 65% percent of the budget next year will be consumed by mandatory spending and interest on the national debt. And, we are here today taking about moving another $2.8 billion from discretionary spending over to the mandatory side.

If we pass this bill, we are going to squeeze Head Start, student loans, cancer research, law enforcement, defense and every other discretionary spending priority you can think of even further.

As I said at the beginning, I support the items contained in this legislation. What I cannot support is putting land acquisition and historic preservation ahead of defense, cancer research, and education. Governing is about making choices—sometimes difficult ones. This legislation is another step toward putting as county's spending decisions on autopilot. I urge all my colleagues to reject it.

A POEM

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. COOKSEY. Mr. Speaker, attached is a poem by Jean McGivney Boese, Poet Laureate of Louisiana, which I would like to submit and share with my colleagues.

MILLENNIUM 2000

Our time is measured from the day that Jesus came to earth.
The thoughts we think are framed by his extraordinary birth.
He taught us how to live our lives, He taught us what is true.
If we have failed, it is because of what we failed to do.
It soon will be 2000 years since Jesus lived as Man.
As we reach this Millennium we look back on a span
Of awesome things and awful things that filled the Centuries,
And thank God that the brave and good outnumber cruelties.
For those who think there is no God, the future is a void.
Their lives are aimless as a fleeting, pointless asteroid.
We have a way to follow, and the free will to decide,
This new Millennium can be where joy and peace abide.

LANDRUM ELEMENTARY SCHOOL

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to a school in San Benito, Texas, that is beating the odds in today's public education system. At a time when our resources are terribly over-burdened, for the second year in a row Landrum Elementary School has been chosen as a winner of the ''Set A Good Example'' competition, sponsored by the Concerned Businessmen of America.

These awards, launched in 1982, recognize schools which have a student-oriented program to influence their peers in a positive way by promoting simple human moral values such as honesty, trustworthiness, responsibility, competence and fairness. The Concerned Businessmen of America is a not-for-profit charitable educational organization which incorporates successful business strategies to combat social ills and problems that face young people.

At a time when parents and community leaders are watching our young people with new eyes, wondering what is going on inside their minds and what motivates them, this recognition is concrete proof that the community surrounding Landrum Elementary School—educators, counselors, parents, business people, and most importantly, students themselves—is working together to ward off the problems that have plagued other schools and other young people. The winning ingredient here is the active involvement of the students; the best messenger for young people is other young people.

We have enormous challenges before us in education, and with regard to public policy in our public schools. There will never be one single answer to preparing young people to withstand the complex social issues that our children encounter each day. But the best way to prepare our children to deal with the society in which we live is to teach them, from very early on, simple moral guidelines to apply to their lives. The ''Set a Good Example'' program follows up as encouragement and reinforcement to these lessons.

I ask my colleagues to join me in commending Landrum Elementary School for their efforts to be part of a solution, which is the first step toward solving the problem. I thank the young people there for leading the way to better grades and healthier attitudes.

HONORING THE HONORABLE LINDEN FORBES SAMPSON BURNHAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. TOWNS. Mr. Speaker, on this the 34th anniversary of the independence of Guyana, I rise to honor the memory and celebrate the achievements of the Honorable Linden Forbes Sampson Burnham, the former President of Guyana, and one of the most charismatic political personalities in the Caribbean region and in the Third World community. The Hon.

Linden Forbes Sampson Burnham, like his contemporary and compatriot, Cheddie Jagan, enjoyed a political career that was unique and unparalleled.

Linden Forbes Sampson Burnham was born on February 20, 1923, in the village of Kitty, in the County of Demerara, in the nation of Guyana. He was the son of James Burnham, a Headmaster and Rachael Sampson, a housewife. From his parents, he inherited a profound love of learning and an intimate knowledge of the Bible.

Forbes Burnham was educated at Queens College in Guyana, London University and Gray's Inn in London, England. Upon his return from London, he embarked upon a political career that was nothing short of remarkable. He was a co-founder of the People's Progressive Party and was appointed Minister of Education in the first democratically elected government in Guyana. After the split with the People's Progressive Party, he founded the People's National Congress and became Leader of the Opposition in 1957. In 1966, he became Prime Minister of an independent Guyana and, in 1980, became the first President of the Republic of Guyana.

From his early years, Forbes Burnham had exhibited signs of academic brilliance. His keen intellect, sharp wit, photographic memory and awesome gift of public speaking, made Forbes Burnham a formidable political figure in Guyana, in the Caribbean and in the Third World. Forbes Burnham was in many respects a larger than life figure—a voracious reader of books, a passionate lover of the arts, a connoisseur of fine food, exotic wines and expensive cigars. He was in many respects the Caribbean Renaissance Man.

However, Forbes Burnham was more than a Renaissance Man. He was a Guyanese nationalist committed to the political and economic empowerment of his nation. He remained a dedicated advocate for the working class and remained President of the Guyan Labor Union for most of his career. He was a passionate supporter of Caribbean integration and Third World empowerment. Linden Forbes Sampson Burnham remains one of the most remarkable political personalities in the history of the Caribbean.

HONORING DR. JOE SAMUEL RATLIFF FOR HIS 30TH YEAR IN THE MINISTRY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is an honor for me to rise before you today to recognize the achievements of Dr. Joe Samuel Ratliff, of Brentwood Baptist Church. Tomorrow, on Wednesday, May 17, 2000, the congregation of Brentwood Baptist Church will honor Pastor Ratliff for the many contributions he has made over the last 30 years in the name of the Lord.

Dr. Joe Samuel Ratliff, a native of Lumberton, North Carolina, received his Bachelor of Arts in History, from Morehouse College, Atlanta, Georgia. He received both the Doctorate of Ministry and Doctorate of Divinity degrees from the Interdenominational Theological Center in Atlanta, Georgia. He has done post-doctoral work at Harvard University, Cambridge, Massachusetts.

It is difficult to imagine what the Houston community would be like today had Dr. Ratliff not been called to become Pastor of Brentwood in 1980. We have been truly blessed to have a man with his sense of dedication and selflessness among us. In 1993, Dr. Ratliff coauthored the book, Church Planting in the African-American Community (Broadman Press). He was named the first African-American Moderator of the Union Baptist Association . . . the nation's largest urban Southern Baptist body, consisting of 250,000 members in 1994. In March of 1997, his portrait was hung in the Hall of Fame in the Martin Luther King, Jr. International Chapel on the Morehouse College Campus. Under Pastor Ratliff's leadership, the Brentwood family has grown to 10,000 strong over the last 30 years.

Pastor Ratliff's time with the ministry has allowed him to develop a strong support network that extends outside the church. Dr. Ratliff currently serves as Chairman of the Board of Trustees of the Morehouse School of Religion and Vice Chairman of the Board of Trustees of the Interdenominational Theological Center. Dr. Ratliff is a life member of Alpha Phi Alpha Fraternity, Inc. He is married to Mrs. Doris Gardner Ratliff.

Mr. Speaker, it is with great pride that I ask you and my fellow members of the 106th Congress to join me in saluting Pastor Joe Samuel Ratliff. Self-evident is his lifelong journey to enhancing the dignity and nurturing the spirits of all people. I am grateful that there are people like that who serve as examples of what we all should strive to be.

REGARDING THE PRESIDENTIAL INAUGURATION IN TAIWAN

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. SCARBOROUGH. Mr. Speaker, this coming Saturday, Taiwan will inaugurate a new democratically elected president and vice president. Mr. Chen Shuibian and his partner, Ms. Annette Lu, were elected president and vice president of Taiwan on March 18, 2000. Their historic victory marked only the second time that a direct presidential election was held on Chinese soil, and the first time in China's modern history that the opposition party candidates won. Together, Chen and Lu will relieve the ruling Nationalist party of its executive power.

This stunning victory directly resulted from Taiwan's unwavering progress toward democratization during the past fifteen years. Today, Taiwan validates itself as a mature, successful democracy. We should be proud of its political transformation, and wish Taiwan well in its future.

Mr. Speaker, it is my pleasure to send Chen and Lu our congratulations, and would like to reaffirm the United States' pledge of support for the democratic ideals bravely achieved by the Taiwanese people.

INTRODUCTION OF THE INTERNET TAX SIMPLIFICATION ACT OF 2000

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. CONYERS. Mr. Speaker, I am pleased to join with Chairman HYDE, Administrative and Commercial Law Subcommittee Chairman GEKAS and Ranking Member NADLER in introducing the ''Internet Tax Simplification Act of 2000.'' We are introducing this legislation at the request of a group of Advisory Commission on Commerce Members led by Utah Governor Micahel Leavitt. Several weeks ago we introduced H.R. 4267 at the request of a group of Advisory Commissioners led by Virginia Governor James Gilmore.

This bill would amend the Internet Tax Freedom Act to extend by five years the moratorium on State and local taxes on Internet access and extend for two years the moratorium on multiple and discriminatory taxes on electronic commerce. It encourages the States to work cooperatively with the National Conference of Commissioners on Uniform State Laws to develop a simplified and uniform sales and use tax. The legislation also authorizes an interstate sales and use tax compact providing for a uniform sales and use tax system, authorizes the States to simplify their use tax rates, and authorizes those States which enter into the compact to collect use taxes on remote sales. Finally, the bill encourages States to work cooperatively with the telecommunications industry and other relevant groups to reduce the complexity of complying with State and local telecommunications taxes.

We will be holding hearings on this bill and H.R. 4460 tomorrow, and it is my hope and expectation that we can quickly move to markup and legislative action. There are few economic issues before our committee which are more important than simplifying the sales tax and failure to act on this issue will harm all interested parties—retailers (both electronic and otherwise), State and local governments and consumers.

The problems with the present system are several fold. First, the complexity of the system is daunting. There are presently over 6,500 taxing jurisdictions in the United States, when all State, county and municipal authorities are included. Needless to say, any retailer with a physical nexus to a State (and therefore subject to state tax jurisdiction under the 1992 Quill decision) is subject to a myriad of confusing and complex State and Local taxes.

Second, the current disparate tax treatment as between traditional ''bricks and mortar'' retailers (which are subject to state tax) and remote sellers (which are not) has the potential to cause continuing economic distortion. As the New York Times editorial board has written, ''[a]n elementary principle of taxation says that taxes should distort purchasing decisions as little as possible. It is not the role of a tax code to determine whether customers shop in stores, online, or by mail order.

With regard to the impact on State and local governments, maintenance of the current system carries with it the potential for significant financial loss. Sales taxes constitute the most important State and local revenue source, far greater than income and property taxes, with the Census Bureau estimating the 47.9% of

State and local revenues come from sales taxes. With projections of online sales estimated to exceed $300 billion annually by 2002, State and local governments could lose as much as $20 billion in uncollected sales taxes under the present system.

Finally, the present system could significantly harm individual consumers. This could obviously be the case if individuals faced increasing income and property taxes or declining services as a result of the loss of sales taxes from remote sales. A separate concern is the adverse impact of the present bifurcated system on poor and minorities. According to a recent Commerce Department study, wealthy individuals are 20 times more likely to have Internet access, and Hispanics and African Americans are far less likely to have such access. This means that poor and minorities who only buy locally face a greater sales tax burden than their counterparts. Maintaining the present system will only serve to perpetuate that disparity.

Time is of the essence, and I look forward to the Judiciary Committee and the full House taking up this important issue.

INTERNET NONDISCRIMINATION ACT OF 2000

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applied to new, multiple, and discriminatory taxes on the Internet:

Ms. EDDIE BERNICE JOHNSON. Mr. Chairman, as the Internet flourished during its infant stages and development, the importance of access and accessibility is key to America. It is my belief that the Internet should not be encumbered with burdensome taxation. However, sales through the Internet without paying taxes gets into another area, an area that could seriously effect the economy of states such as Texas. The Internet, a technology where America is the unquestioned world leader, should be allowed to develop and flourish without every state and locality burdening such commerce with taxation during its growth process.

The purpose of H.R. 3709, sponsored by my colleague, Representative COX, will extend for an additional five years the current three-year moratorium on the imposition of state and local sales taxes on Internet access, as well as any multiple or discriminatory taxes imposed on the Internet. With this legislation, Members of Congress are attempting to find a fair solution for traditional business and state and local authorities, while not stifling the growth of e-commerce. Though H.R. 3709 may be attractive, the extended five-year period may be too long. I find the amendment proposed by my colleague, Representative DELAHUNT, more appealing. His amendment will provide only a two-year extension of the moratorium on state and local taxes on the Internet. This two-year period will hopefully give us time to come up with a feasible and fair solution to this troublesome problem for states that fund themselves through sales tax.

Let me end by acknowledging the work that each of you have and continue to do in order to ensure America's leadership position in the technological world. As Members of Congress and leaders, we must realize that ill-considered and disruptive new taxes could literally kill the initial growth stage of our most dynamic and innovative segment of our economy—the Internet. However, now is the opportune time to examine the relationship between taxes and the Internet. We must find ways that will allow the Internet to play its role as a valuable asset, while funding programs that will be beneficial for individual states, such as Texas, who rely on sales tax for the construction of its transportation systems and the education of our children.

A TRIBUTE TO PHYLLIS FULGINITI

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. ANDREWS. Mr. Speaker, ''A teacher affects eternity. He can never tell where his influence stops.''—Henry Adams.

Henry Adams may have been talking about a teacher like Phyllis Fulginiti. Phyllis Fulginiti has spent her life as a teacher, touching and molding students for nearly 40 years. She began as a high school graduate, when she began as a teacher in Catholic Schools as part of a special program designed to encourage young people to consider teaching as a career. Well, in at least this one instance, the program worked. After teaching in the Catholic schools for five years, Phyllis joined the Marlton School District and taught at Marlton Middle School for 33 years. She taught history, government and social studies to thousands of students between the second and the eighth grade. Along the way, she put her theories into practice by earning both a Bachelor of Arts degree and a Master of Arts degree at St. Joseph University. She did all of this while raising a daughter, Susan, and maintaining a 27 year marriage to her husband, Richard Fulginiti. Although she is about to commence a new phase of her life as a retired teacher, I would like to commend her for the work that she has done as a teacher. As I am certain that many of her students would agree, she has touched eternity, and our community, our state, and our nation, are better off because of her contribution.

GEORGE RUIZ OF CORPUS CHRISTI

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. ORTIZ. Mr. Speaker, I pay tribute to an extraordinary patriot and citizen of South Texas, George Ruiz of Corpus Christi, whose support and promotion of the U.S. Armed Forces is unconventional, and which is a wonderful recruiting tool unto itself.

Since 1992, after the Persian Gulf War, George Ruiz began gathering up area young people to attend an exhibition he conceived, ''Dare to Dream.'' This exhibition includes fly-overs, several Air Force planes, and booths from local law enforcement, NASA and the U.S. Border Patrol. George, a bus driver for the Calallen school district in the Corpus Christi area, does this each year out of the sheer passion he has for the military.

George knows, as I do, that if young people are introduced to an organization which demands discipline, they are far more likely to succeed in life . . . to stay in school, to stay clear of gangs, and to remain drug-free. He also knows talking alone will not get it done. The driving force behind George's philosophy is that our only limit is our imagination.

The most important thing he does is inspire young people to dream. He uses the mystery and majesty of aircraft to invoke their dreams. He uses the time he has with young people on his bus to talk about the importance of staying in school, and the possibility of the military as a career.

It is not quite enough for George to only inspire young people through an air show exhibition; this guy lives it. He plasters recruiting posters inside his bus, he volunteers weekly at Driscoll Children's Hospital, arranges visits by military personnel to area schools, and takes youngsters to area bases to see first-hand the military facilities.

Just last year, the United States Air Force showed its formal appreciation to George in the form of an award, the Air Forces Recruiting Service's most prestigious and highest form of recognition, the American Spirit Award.

While the military has always been a part of his life, surprisingly enough, George has never served in uniform. His life-long interest in the military began when he was six while his father was stationed at Naval Air Station Kingsville. George's message to young people is clear: dream what you will, then work hard to see it happen, as part of the Armed Services of the United States if possible.

Mr. Speaker, I ask my colleagues to join me in commending the best non-military recruiter in South Texas, a rare and decent patriot, George Ruiz.

HONORING THE HON. CHEDDIE B. JAGAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. TOWNS. Mr. Speaker, on this the 34th anniversary of the independence of Guyana, I rise to honor the memory and celebrate the achievements of the Hon. Cheddie B. Jagan, the former President of Guyana, and one of the most committed and dedicated political leaders in the Caribbean region and in the Third World community. Dr. Cheddie Jagan, like his contemporary and compatriot, Forbes Burnham, enjoyed a political career that can only be described as unique and unprecedented.

Cheddie B. Jagan was born on March 22, 1918, in the village of Port Mourant, in the County of Berbice, in the nation of Guyana. He was the son of Jagan and Bachoni, indentured plantation workers who had migrated from the state of Uttar Predesh in India. Dr. Jagan was to retain a profound commitment to the concerns of the rural sugar workers throughout his career.

Dr. Jagan was educated at Howard University and Northwestern University in the United States and returned to Guyana in 1946 to begin a remarkable political odyssey. In 1950, he founded the People's Progressive Party and, in April 1953, he headed the first democratically elected government in Guyana's history. In 1957, and again in 1961, he became Chief Minister of the Government. In 1964, he became a leader of the Parliamentary Opposition, and in October 1992, he was elected President of Guyana. On March 6, 1997, this monumental political figure passed away at the Walter Reed hospital in Washington, D.C.

Dr. Cheddie Jagan lived in a period of profound repression during the Cold War. Regrettably, the government of the United States played a significant role in destabilizing the government of Cheddie Jagan. In 1953, it persuaded the British Government to suspend the constitution; in 1955, it helped to split the national movement; and, in 1962, it helped to provoke civil disturbances. This tribute is a small attempt to atone for this gross miscarriage of justice.

Through all these political vicissitudes, Dr. Jagan maintained a constant and unwavering commitment to the cause of the Guyana working class, to the concept of working class unity and to the principles of constitutional democracy. In spite of overwhelming odds, Cheddie Jagan, like Dr. Martin Luther King, Jr., ultimately believed that ''truth pressed to earth will rise again'' and that ''the arm of the moral universe is long, but it bends towards justice.''

IN LOVING MEMORY OF ADOLFO RIBERA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. BACA. Mr. Speaker, it is with much sadness that I inform my colleagues of the passing of a great individual, a person who graced our world and our lives with so much love and compassion and family value.

Adolfo Ribera, the husband, father, grandfather, great grandfather, passed away on May 12, 2000 in Barstow, California. He was 76 years of age. Born in Walfenburg, Colorado and raised in Ribera, New Mexico and husband of Aurelia Ribera.

He was a member of the St. Joseph's Catholic Church, a WWII Veteran in the Philippines, worked for the Santa Fe Railroad for thirty one years and a former member of the Sheet Metal Workers Union. He was an avid baseball player and known as an outstanding softball fast-pitch player. He and I were teammates and the teams we played on won many league championships. We played for the City's Softball Fast Pitch League in Barstow, California.

Adolfo lived a full and a very fulfilling life, a life graced by his wife, whom they were blessed with eight children: Ralph, Veronica, Elizabeth, Adolfo, Frances (deceased), William, Tina; and also blessed with twenty-two grand children, nine great grand children. These children brought tremendous joy and inspiration into his life.

He is survived by one brother: Eddie, and his brothers who are now deceased are: Hilario, Trinidad, Joe. Survived by four sisters: Mary, Eloisa (daughter is Barbara married to Congressman JOE BACA), Piedad, Theresa and Frances who is now deceased.

Adolfo was and remains so much a tremendous person in our thoughts and in our memories. We appreciate so much and will long remember the many good and positive things he brought to his family and lives that he touched.

I join with Adolfo's friends and family members in honoring such a truly remarkable and outstanding person, a husband, father, grand father, great grandfather and to all those who loved him.

He was a strong person, the backbone to his family. He possessed honesty, strength, leadership and courage. He was considered a true friend in every sense of the word.

I join with all of those who loved Adolfo Ribera in extending our prayers to the family and hope that they find peace and comfort during this time of sorrow.

A Rosary will be cited at St. Joseph's Catholic Church, May 15, 2000, 7:00 p.m., 505 E. Mt. View, Barstow, California. The funeral will be at 9:00 a.m. also at the church.

TRIBUTE TO JAMES DALE WEST

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. DIXON. Mr. Speaker, I am pleased to pay tribute today to Los Angeles educator James Dale West for his more than four decades of service as a teacher in the Los Angeles Unified School District. On Sunday, June 4, 2000, the Stovall Educational Uplift Foundation will honor Mr. West for his many years of dedicated service to the school children of Los Angeles. In recognition of his exemplary career, I am pleased to have this opportunity to publicly acknowledge his contributions to the school district, as well as to the Los Angeles community.

A native of Oklahoma, James Dale West graduated from Booker T. Washington High School, and attended Langston University, located in Langston, Oklahoma. He served in the United States military and after his tour of duty, entered California State Polytechnic University, where he met the woman who would become his wife, Ole Maye Daniel. The couple married in 1950, and James went on to earn two post-graduate degrees.

James Dale West began his career as an educator at Jackson High School in 1953. He remained at Jackson for fifteen years, before moving to Crenshaw High School and Manual Arts Adult School, where he still teaches today. In addition, he serves as the field representative for the Regional Occupational Program/Business Industrial School, which provides training for students at the job site. He also is president of the Association Career Education Center of Los Angeles.

Mr. West is a member of the Crenshaw United Methodist Church and is a chorister with the Crenshaw Sanctuary Choir; the Saint Mark United Methodist Sanctuary Choir; the United Methodist Men's Choir, and the Ecumenical Men's Chorus. He is also an avid traveler who has traveled to each of the fifty states, and visited forty country.

James and his lovey wife, Ole Maye, are the proud parents of three daughters: Dr. Gay West Brown, Attorney Joy West, and Joil West. The couple also are blessed with four grandchildren.

Mr. Speaker, I am pleased to acknowledge the contributions of Los Angeles public school educator James Dale West. I ask that you join me in extending best wishes to him as he continues to impart his vast knowledge to the school children of Los Angeles.

MS. SANDRA MCGARY, PRINCIPAL, HARMONY LELAND ELEMENTARY SCHOOL

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. BARR of Georgia. Mr. Speaker, I recognize Ms. Sandra McGary, principal of Harmony Leland Elementary School in Mableton, Georgia.

''Ms. McBeautiful,'' as she is affectionately known, challenged her students to read 10,000 books. She promised to play a fiddle and sing from the roof of the school if the students could rise to the challenge. The students reciprocated by reading not just 10,000 books, but well over 19,500 books! Ms. McGary, much to the amusement of the students and faculty, fulfilled her end of the bargain, by putting on a wedding gown and playing her violin from the roof of the school.

Since her arrival at Harmony Leland, the school has seen a ''[. . .] resurgence of energy, enthusiasm, and community involvement [. . .]'' She is an active member of the community, serving as an Ambassador to the 1996 Atlanta Olympics. She also designed the Academics Before Athletics program at North Cobb High School. Under her leadership, the school has been the first school in the nation to be named a Leonard Bernstein School of the Arts. Every student is given a violin as well as first rate instruction.

Ms. McGary has made education and community involvement her life's endeavor. I join the Mableton community in congratulating her for her efforts and wishing her well for many years to come.

IN RECOGNITION OF PROVIDER APPRECIATION DAY

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, today I honor child care providers across the nation on Provider Appreciation Day.

Provider Appreciation Day, which is celebrated on the Friday before Mother's Day, was spearheaded by a group of volunteers in New Jersey in 1966 who saw the need for a day to appreciate and recognize child care providers.

The contribution that child care providers make to the quality of family life in this country is immeasurable. With the changing nature of the workforce, more mothers are working than ever before. Often times, this means that more children must be placed in child care. According to recent surveys, there are approximately 13 million children in the United States under

the age of six in child care at least part time. An additional 24 million school age children are in some form of child care outside of school time.

Early childhood is the most critical time of development and may have the most impact on the shape of a child's future. Child care providers largely influence these important years with their compassion, patience, encouragement, and love for young children.

Whether they work in a child care center, nursery school, family-daycare, or before-school and after-school program, it takes a special person to choose the field of child care. Provider Appreciation Day offers a unique opportunity to recognize and commend the dedication, understanding, kindness, and good example that child care providers exemplify everyday.

I would like to take this opportunity to thank Suzanne Williamson, Chairwoman of Provider Appreciation Day, for her hard work in establishing a national day of recognition for child car providers. Ms. Williamson is also the Director for Monday Morning Child Care, Inc., a network of child car providers located in Union County, New Jersey. I would also like to express my gratitude to Nelida ''Nellie'' Melendez-Carroll who cares for my two and a half year old daughter, Kelly.

Please join me in thanking child care providers nationwide for their hard work and self-sacrifice in committing their lives to this nation's most precious investment . . . our children.

TRIBUTE IN HONOR OF THEODORE ROETHKE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. BARCIA. Mr. Speaker, today I honor the memory of a great poet, Michigan's only Pulitzer Prize winner, and a truly great American. Though he passed away more than 35 years ago, the spirit of Theodore Roethke lives on through his poetry and leaves an impressive legacy as a prominent figure in the rich history of American literature.

To keep his memory alive, the ''Friends of Theodore Roethke'' was created in Saginaw to promote, preserve, and protect his legacy. By restoring his family residence and organizing a wide range of cultural and educational events, the organization does a tremendous job of honoring Theodore Roethke's memory and continuing his legacy of teaching and sharing in literary pleasures.

Theodore Roethke was born in Saginaw, Michigan in 1908 to German immigrants Otto Roethke and Helen Huebner. Otto Roethke took over the family florist business when his father passed away, and Theodore spent much of his time as a small boy following his father around the greenhouse and the fields, helping out as much as he could. This early exposure to nature would have a profound influence on his poetry later in life.

Roethke attended the University of Michigan at Ann Arbor, where he did quite well and was elected to the Phi Beta Kappa honor society during his senior year in 1929. It was at Michigan that he began writing poetry. He went on to briefly attend law school, but left after only one class to pursue a master's degree in literature, studying such poets as Elinor Wylie and E.E. Cummings. When the Great Depression hit, Roethke was forced to leave school and find a job, which he did, teaching at Lafayette College in Pennsylvania.

As the years went on, Roethke held several other teaching positions—among them jobs at Michigan State, Penn State, and the University of Washington—all the while having more and more of his poetry published. In 1945, he received a Guggenheim Fellowship and took the time to return to Saginaw to write. In 1953, Roethke married Beatrice O'Connell, and in that same year, The Waking was published, and included what many consider to be his greatest works. He continued to write and be commended for his poetry up until his death, and he receives critical praise to this day for his works. He was buried in Oakwood Cemetery in Saginaw in 1963 at the age of 55.

During his life, Theodore Roethke was awarded two Guggenheim Fellowships, the Eunice Tietjens Memorial Prize, two Ford Foundation grants, a Pulitzer Prize for The Waking, a Fulbright grant, the Bollingen Prize, a National Book Award for Words for the Wind, a Shelley Memorial Award, and he received a National Book Award for The Far Field posthumously in 1965.

Mr. Speaker, it is with great pleasure that I recognize such a distinguished and world renowned poet, who so gracefully put into words the beauty, mystery, and power of the natural world. I urge you and all of my colleagues to join me in honoring Theodore Roethke for his tremendous contributions to American literature, and the lasting impact he has had on American culture.

RESEARCH! AMERICA'S 1999 AWARD FOR EXCEPTIONAL CONTRIBUTIONS AS VOLUNTEER ADVOCATES FOR MEDICAL RESEARCH

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Ms. DUNN. Mr. Speaker, on March 28, 2000, I presented Patty Wood and the Washington Association for Biomedical Research with the Research! America's 1999 Award for Exceptional Contributions as Volunteer Advocates for Medical Research.

Patty has been an energetic advocate, spokesperson, and volunteer for the Northwest Kidney Centers and the Washington Association for Biomedical Research. As an organ recipient herself, she understands the importance of organ donation and the value of biomedical research in giving people a second chance. I also want to acknowledge Dr. Joseph Eschbach, President of the Washington Association for Biomedical Research, and Susan Adler, the Executive Director of the Association, for their outstanding commitment in educating the public on the benefits of funding biomedical research.

On April 16–21, 2000, the Seattle Post-Intelligencer featured a five-part series on the use of animals in biomedical research. Enclosed are the first two articles of the series. Reprints of the complete five-part series can be obtained directly from Susan Adler, Executive Director of the Washington Association for Biomedical Research, at the following address: 2033 Sixth Avenue, Seattle, Washington 98121. The articles can also be viewed on the Association's website at www.wabr.org. I hope that these articles will help educate the public on this important issue.

[From the Seattle P–I.com Opinion, Sun., Apr. 16, 2000]

ANIMALS AND RESEARCH PART 1: UNLOCKING THE SECRETS OF GENETIC DISEASE THROUGH ANIMAL RESEARCH

(By Joseph W. Eschbach)

In my office and at the hospital, I diagnose and treat a myriad of illnesses—some life-threatening, others not so serious. In performing these tasks, I need to keep up with the advances that make it possible to treat these illnesses. I also need to talk with my patients about the medical procedures, surgery and medicines I recommend and/or prescribe and the research that makes them safe and effective.

A young patient, Bobby, recently came to my office with a fever and complaints of ear pain. The diagnosis—a middle-ear infection—is common, particularly in children, and accounts for many a missed school day. While the infection can usually be cured with an antibiotic, in the future most children will not get this infection because of a recently developed vaccine.

This vaccine was first shown to be effective and safe in studies involving rats, guinea pigs and chinchillas. I told Bobby's mother that this vaccine, which immunizes infants and children against the organism that causes the infection, will soon be available—in time to protect his baby sister. Not only will this vaccine decrease the incidence of recurring infections, it also will reduce the need for taking antibiotics.

I tell Mrs. D, who once had serious chest pain, that the device used to open up the blockage in her heart arteries was first tested and perfected in dog studies. During their training, the surgeons who performed her subsequent bypass surgery were able to practice and perfect their surgical skills on dogs, before operating on humans. Growing pressure by animal rights groups has recently caused some medical schools to close their dog laboratories. For these future surgeons, their first introduction to performing complex procedures will be on patients. I am concerned about how this will affect the future of these people.

Animal models have been the key to unlocking the secrets of many genetic diseases. The genetic makeup of animals and humans is similar, which has allowed scientists to study diseases in animals with genetic defects similar to those in humans.

One day, Jim came in complaining that he spontaneously fell asleep under the most embarrassing situations: at work, with guests and while watching his favorite football team. A neurological exam confirmed that he had narcolepsy, a disease caused by a defective version of the gene called hypocretin receptor 2.

Much of what we know about narcolepsy comes from studies on a breed

These dogs were also used to initially test the effectiveness of certain drug therapies, including the one I prescribed to Jim. This drug alone is ultimately expected to help the 250,000 Americans with narcolepsy, as well as dogs with the disorder.

The flu has been a major cause of days lost from work and even death in young and old. Jackie recently came to the office with a fever of 102 degrees and a bad cough; she was feeling horrible. Examination and initial laboratory tests suggested she had the flu and,

while waiting for confirmation of viral tests, she was prescribed a new ''anti-viral'' antibiotic designed specifically to combat influenza. This drug is the result of years of testing, first in rats and rabbits, and then in humans, and represents a major advance against this illness.

Sarah has diabetes. The insulin she requires allows her to live a relatively normal life; until recently, the insulin was derived solely from the pancreas glands of pigs and cows. Recent advances in recombinant molecular biology techniques have made human insulin available, as well.

Insulin-dependent diabetes was uniformly fatal before the 1920s when Drs. Frederick G. Banting and Charles H. Best, through experiments in dogs, proved that insulin corrected the disorder. On the horizon, thanks to experiments in several animal species, is the hope that the specific pancreas cells that produce insulin (islet cells) can be transplanted into any diabetic and cure the condition, eliminate the need for insulin shots and eliminate long-term complications.

There are many other stories I could tell about how my patients have benefited from animal research. The hypertension medication, the ultrasound technology and the organ transplant techniques and immunological methods were all made possible because of experiments using animals.

ANIMALS & RESEARCH, A FIVE-PART SERIES

Part 1: Unlocking the secrets of genetic disease through animal research

Part 2: Improving medical treatment for animals

Part 3: Animals are key to discovering new medicines

Part 4: The ethics of using animals in research

Part 5: How research animals live

Some patients express concern for these animals and ask why they need to be used for research. I reassure them that researchers must comply with strict federal regulations requiring care and use protocols be carefully reviewed by an animal care committee, whose membership must include an experienced scientist, a veterinarian and a member of the general public. Alternatives to animals are used whenever possible (cell and tissue cultures and computer modeling), but these findings ultimately need to be confirmed in a complex intact animal.

I also try to put the use of research animals into perspective. More than 95 percent of all animals used for research in the United States are laboratory-bred rats and mice. Contrary to popular belief, dogs, cats and primates together account for only about 1 percent of all the animals used in research. Data from October 1997 through September 1998 indicate that about 100,000 dogs and cats were used in research in that year, which compares with between 2 million to 7 million unwanted dogs and cats killed annually in the nation's pounds, as reported by the Humane Society of the United States.

Bobby and his sister; Jackie; Jim; and Sarah, as well as every American alive today, have benefited in some way from animal research. However, many other illnesses still are in need of cures, such as cancer, AIDS, Alzheimer's and others. It is the promise of animal research that provides our hopes for having longer, healthier lives.

[From the Seattle P–I.Com Opinion, Tues, Apr. 18, 2000]

ANIMALS AND RESEARCH, PART 2: ANIMALS BENEFIT FROM RESEARCH

(By Patrick R. Gavin)

PULLMAN—For some time now we've been caring for ''Hope'' at the Washington, State University College of Veterinary Medicine teaching hospital. She's a mixed-breed dog whose owner shot her in the head in February and left her for dead.

Before she ever came to WSU, a good Samaritan in Montana found her at a public fishing access and got her to emergency care. Anesthetics, analgesics, antibiotics, radiographs, sutures, stomach tubes, dressings, bandages, liquefied food, intravenous lines and solutions were employed by competent veterinary care to keep her alive.

The owner eventually was arrested and convicted of a misdemeanor charge of animal cruelty and was forced to pay a $200 fine and give up Hope to the courts. After that, she was brought to our care for reconstructive surgery. Here we've employed many of the same treatments mentioned above as well as others in order to not only keep Hope alive, but to heal her to the best quality of life we can provide for her and her now adoptive owners.

One criticism often leveled at biomedical researchers is that if humans so desperately need biomedical research for advancement, they should perform the work on humans, not animals. My question is, what about the animals that need biomedical research?

ANIMALS & RESEARCH, A FIVE-PART SERIES

Part 1: Unlocking the secrets of genetic disease through animal research

Part 2: Improving medical treatments for animals

Part 3: Animals are key to discovering new medicines

Part 4: The ethics of using animals in research

Part 5: How research animals live

Almost completely ignored in animal rights debates are the benefits of humans using non-human animals in research for the exclusive benefit of other non-human animals. In Hope's case, every human intervention that has touched her had to be developed and tested on animals to ensure its safety and effectiveness before it entered general veterinary use.

From vaccines to veterinary surgical techniques; from improved behavior to better housing; in matters of nutrition, reproduction, habitat restoration and conservation as well as in public health and environmental studies, the examples of biomedical research benefitting wild and domesticated animals are overwhelmingly positive and widespread.

Many animals studies are conducted in order to discover and develop alternatives to animal use, to prove their efficacy and to advance the science.

At WSU, for example, I am a veterinary radiation oncologist who studies the best way to treat cancer in animals using radiation therapy. Our research regularly uses client-owned animals with existing cancers that need care to help advance the science for other animals that need care. Healing and research can walk hand in hand.

Currently, there is no non-living model that can help these animals or the scores of others that will follow them to our care. Were it not for the animal scientists, wildlife professionals, veterinary researchers and clinicians that have dedicated their lives to benefit non-human animals, the animals that suffer from disease, starvation, injury and illness would be left without a voice for their health and well-being.

Despite what we do, how we do it and the benefits animals derive from it, it's not enough. For the extremist, any use of animals by humans is wrong, even if it benefits other animals.

Most people, however, understand the need for animal research in many areas, in particular when it benefits animals. They also understand funding limitations and priorities that include studying sentinel species and naturally occurring animal diseases that also occur in humans.

As scientists and veterinarians, we are not above public scrutiny of our activities. We have a profound responsibility and an economic incentive to pursue optimal animal health, alternatives, non-living models, computer simulation, isolated tissue cultures, reduced animal use, optimal care and, when necessary, the quick and humane death of an animal. As these alternatives are discovered and refined, they are quickly adopted as the new standards for study.

Again, history is replete with examples where this has occurred. Kidney transplants for animals were unheard of less than a decade ago. Now, thanks to the benefits of biomedical research and clinical practice in animals and in humans, veterinary colleagues at the University of California at Davis have perfected this life-saving surgery for animals.

Equally as demanding a responsibility to the public is the assurance that the work we do with animals, for animals, is conducted in a scientifically sound, cost-effective and efficacious manner. This reduces overall the need for duplicating studies and the number of animals involved. At the same time, it requires that a sufficient number of initial test subjects be used to demonstrate statistical significance where it exists or, more important, where it doesn't.

Professionals have no vested interest in keeping costly animal colonies.

In the case of livestock, for example, doing away with experimental herds where appropriate can save thousands of dollars a day, money that can be applied toward additional findings and further advancement.

Past uses of animals often are not acceptable to the general public today. These changes come in part through researchers themselves and the non-employee public voices that sit on animal-care and -use committees required at every institution receiving federal research funding.

Changes in research also come by way of the conscientious efforts of state and federal regulators as well as private-industry agencies such as the American Association for the Accreditation of Laboratory Animal Care. AAALAC is an independent body that has requirements for animal care and use that supercede the nation's state and federal legal requirements for animal care and use.

But all of this means nothing to the vocal few who oppose all human interaction with animals and who condemn modern civilization as an unnatural aberration. It's an easy argument to make, the argument of the spoiler.

Fortunately, most people see through this facade and instead see a voiceless world of animals that need humans as much as we need them.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. ABERCROMBIE. Mr. Speaker, earlier today, I was unavoidable detained from presence on the House Floor. Had I been present, I would have voted as follows:

House Concurrent Resolution 326, Responsibility for New Mexico fires—''yes'' Passage of H.R. 4425, Military Construction Appropriations for FY 2001—''yes.''

A TRIBUTE TO THE PEOPLE THAT ASSISTED PENNSAUKEN TOWNSHIP

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. ANDREWS. Mr. Speaker, today I recognize the people that assisted Pennsauken Township in their goal of reducing substandard housing in the Township. I would like to recognize Matt Franklin, United States Department of Housing and Urban Development; Nancy Kay, First Preston Contract Manager; Richard Watts, First Preston Assistant Contract Manager; Nancy McConnell, First Preston Direct Sales Administrator; and Pete Spina, First Preston Governmental Technical Reporter for all of their hard work and dedication. Their combined effort has enabled Pennsauken Township to purchase and rehabilitate homes that were abandoned and/or boarded up.

A TRIBUTE TO RENAN BECKMAN

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Ms. SLAUGHTER. Mr. Speaker, today I commemorate the life of Dr. Renan Beckman, who on February 29, 2000, died of multiple gun shot wounds at the age of 45. I had the bittersweet pleasure of meeting Renan's mother and children, who were here in Washington, DC for the Million Mom March.

As a young woman, Renan was a model student, graduating Phi Beta Kappa from the Massachusetts Institute of Technology before receiving her medical degree from Johns Hopkins Medical School. After completing her education, Renam married Robert Wills. She was a loving mother to two children, while at the same time she worked as an anesthesiologist and primary care physician at Calkins Health Commons in Henrietta, New York.

Sadly Renan and her husband began having marital difficulties, and they moved toward divorcing. Dr. Robert Wills, who had no criminal record, purchased a 12-gauge shotgun on February 7 from a local sporting goods store. On February 29, Renan called 911 and in response to the operator's questioning said, ''No, there is no gun in the house.'' Renan died three minutes later of multiple shot gun blasts fired at close range by her husband.

This kind of domestic violence is unfortunately not unique in my district or elsewhere in our country. However, Renan's death also highlights the fact that domestic violence can cross all class, race, and age boundaries. I hope Renan's death will serve as an inspiration to us all on why further gun control is needed in this country.

The unexpected passing of Renan Beckman has left a void in her family and the community. We will miss her greatly. My thoughts and prayers are with her family and all her friends. Mr. Speaker, and colleagues, I ask that you join me in paying tribute to the life of Renan Beckman.

NATIONAL PEACE OFFICERS WEEK

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. FLETCHER. Mr. Speaker, today I make a few comments regarding the law enforcement officers in the 6th Congressional District of Kentucky and across America who put their lives on the line to protect our homes, streets and overall safety. They are the men and women who dedicate each and every day of their life to ensure safety in our communities, schools and lives.

It's only fitting that we reserve one week out of the year to recognize the heroic efforts of America's law enforcement officers. National Peace Officers Week provides every American man, woman and child with the unique opportunity to take a few moments out of their day to thank our peace officers for the countless hours they put in each and every week, protecting our lives and neighborhoods.

Too often we hear stories of fallen officers who have put themselves in danger to protect their fellow citizens. We must never forget the sacrifice of our fallen law enforcement officers and their families.

Specifically, I want to recognize a very important event that will be taking place in my District. Today, the Lexington-Fayette Urban County Police and surrounding community will come together to rededicate the Police Officer Memorial in downtown Lexington. This event will honor those law enforcement officers who served so bravely, falling in the line of duty—given the ultimate sacrifice to protect and serve.

Unfortunately, I am unable to be back home for this important ceremony. However, I strongly believe it is only fitting that our communities take the time to honor those lives that were taken in the line of duty. May their memories be forever strong and never forgotten.

I salute America's law enforcement officers for their dedicated service and willingness to do whatever it takes to keep America safe and free from crime, drugs and violence. It is the result of their work that allows each of us to enjoy a better quality of life.

NAPLES COMMUNITY SCHOOL MOCK TRIAL TEAM

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. GOSS. Mr. Speaker, congratulations are in order for the mock trial team from the Community School in Naples, FL, who recently represented the State of Florida at the National Mock Trial Competition.

These young constituents of mine reached this distinction after contending on the county, circuit and State levels. In their advance to the national competition, the students were tenacious, resourceful and creative. Their performance combined professionalism and dignity. By participating in mock trial, the students cooperated to reach a goal. Honing their research and debate skills, the students attained invaluable knowledge that they will use in all of their endeavors. Perhaps even more importantly, they gained a better understanding of law, which will help their growth as informed and participatory citizens.

I applaud the team for their dedication and salute them for their outstanding success.

TRIBUTE TO MAJOR MATTHEW M. MODLESKI

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. WALSH. Mr. Speaker, on 31 August 2000, Maj. Matthew M. Modleski is retiring as the Air Force Advisor for the 174th Fighter Wing, New York Air National Guard in Syracuse, NY. He assumed this position in February 1998. In this capacity, he serves as the active duty personnel representative for the 9th Air Force Commander, as well as assisting the 174th Fighter Wing in preparing for mobilization, while attaining the highest possible level of combat readiness.

Major Modleski was born on 22 September 1962 in Hudson, NY. He graduated from West Seneca High School, West Seneca, NY in 1980 and enlisted in the Air Force in July of that same year. He was a Jet Engine Technician until 1983 when he crosstrained into Air Traffic Control. He served as a controller at Dover AFB, DE from April 1984 until September 1987, and was awarded Controller of the Year honors in 1986.

Major Modleski earned his Bachelor of Science degree from Wilmington College, DE in May of 1987 and went on to earn a Masters of Aeronautical Science Degree from Embry Riddle Aeronautical University in Florida. Major Modleski attended Officer Training School in 1987 and was the Honor Graduate for his class. He completed Undergraduate Pilot Training at Williams AFB, AZ and went on to fly the A–10 Warthog at RAF Bentwater/Woodbridge, UK.

He was an instructor Pilot in the 78th TFS and a Flight Examiner in the 81st TFW. Major Modleski was then assigned to the 355th Wing, 357th FS at Davis Monthan AFB, AZ as the Chief of Standardization and Evaluation and a Flight Commander. In 1993 Major Modleski was the 355th Wing Instructor Pilot of the Year and in 1995 he was selected to be a member of the United States Air Force Air Demonstration Squadron, The Thunderbirds. Major Modleski flew as the Opposing Solo during the 1996 Show Season and then as the Lead Solo during the Air Forces 50th Anniversary celebration during the 1997 Show Season. He then began his current assignment as the 174th Fighter Wing Air Force Advisor.

Major Modleski is a senior pilot with more than 2,850 flying hours in the F–16, A–10, T–38, and T–37.

His military awards and decorations include the Distinguished Flying Cross, Meritorious Service Medal, Aerial Achievement Medal with 1 device, Air Force Commendation Medal with 1 device, Joint Meritorious Unit Award, AF Outstanding Unit Award with 3 devices, Combat Readiness Medal, Air Force Good Conduct Medal with 1 device, National Defense Service Medal, Southwest Asia Service Medal with 1 device, Humanitarian Service Medal, Air Force Overseas Long Tour Ribbon, AF Longevity Service Award Ribbon with 3 devices,

NCO Professional Military Education Graduation Ribbon, Small Arms Expert Marksmanship Ribbon with 1 device, and the Air Force Training Ribbon with 1 device.

Major Modleski is a member of the Air Force Association as well as the Air Force Daedalians. He is also a member of the Experimental Aircraft Association, and the Aircraft Owners and Pilots Association.

Major Modleski resides in Baldwinsville, NY, and is married to the former Dianne Reilly of Schaumburg, Illinois.

RECOGNITION OF COBB FAMILY RESOURCES 40TH ANNIVERSARY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. BARR of Georgia. Mr. Speaker, forty years ago Cobb County, Georgia, witnessed the beginning of an exemplary non-profit organization. The original idea, conceived by its three founders, Fred Bentley Sr., Howard Ector, and Harry Holliday, was the formation of an entity that would unite the social service efforts of six existing emergency aid agencies into one effective unit to be more cost effective and efficient.

In its humble beginnings, with a part-time director and three staff members, the organization was incorporated as Cobb County Emergency Aid Association, Inc. on May 17, 1960, and offered, as its name suggests, help of a short-term nature.

Supported by donations from the community, aided by volunteer efforts, and a board of dedicated local citizens, the organization continued to grow, expanding its assistance to the needy of Cobb County. The agency offered financial aid, food, clothing, and medical supplies to help low income people with temporary setbacks. This emergency aid allowed families and individuals to address the immediate need in their lives.

Even greater assistance was ahead for the needy of Cobb County. In the mid 1980's, Cobb Family Resources, as the organization was later renamed, was fortunate to work with the federal government on programs offering family self-sufficiency and emergency housing for homeless families. With the federal government's policy direction and funding assistance, the agency adopted an effective case-management philosophy which continues today to be the successful core for each of its many programs. Also, with the federal government's assistance in the 1980's, Cobb Family Resources was able to buy its own facility and to expand its housing program for homeless families to include transitional housing and supportive services for long-term help.

Now, after 40 years of service to the community, through the partnership of public, private, and government efforts, Cobb Family Resources is a universally-recognized leader in serving the needs of low-income and homeless individuals and families in Cobb County, and in changing dependency into self-sufficiency. The housing program, for example, requires clients to have a job or be a full-time student. Residents are required to take Life skills classes, Budget courses, and open a savings account. Tutoring programs are offered for youth, and, for adults, GED training and employment skills, such as resume writing and interviewing techniques.

Let me leave you with the words of a former Cobb Family Resources' client who received help with housing, resume writing, and employment skills; she said:

> Having an organization such as Cobb Family Resources really gives single mothers such as myself an opportunity for growth and improvement. When I came to know this agency, I really did not have any idea the relationship that was about to develop. I was simply seeking help to pay my rent due to a sudden lay-off.
>
> I am no stranger to hard work. I am no stranger to hard times. I grew up in one of Atlanta's largest public housing projects . . . but I always strived for better things in my life. Sometimes it seemed as if my hard work was in vain, and then came [Cobb Family Resources].
>
> What Cobb Family Resources has that most organizations of its kind does not, is the help you receive to become self-sufficient. My income that was once poverty level has increased dramatically in the past year. I have better transportation and I no longer receive any public assistance. I do not need it anymore because my job allows me to meet the needs of my family.

Cobb Family Resources provides the comprehensive, organized approach to working with both generations in a family to provide them the tools and skills to take responsibility for themselves, to become—and, more importantly, to remain—self-sufficient and productive members of our community.

HONORING THE EVERETT ALVAREZ, JR. POST OFFICE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mrs. MORELLA. Mr. Speaker, I am introducing legislation honoring one of our Nation's heroes. This bill will designate a post office in my district the Everett Alvarez, Jr. Post Office Building.

During his life, Mr. Alvarez has faithfully served his nation as a distinguished military officer and public servant. He joined the Navy in 1960 after earning a bachelor of science in electrical engineering from the University of Santa Clara. He also holds a master's degree in operations research and systems analysis as well as juris doctorate.

He served in program management at the Naval Air Systems Command before leaving the Navy in1980. He was appointed Deputy Director of the Peace Corps in 1981 and was appointed by President Reagan to be Deputy Administrator of the Veterans Administration in 1982 where he stayed until 1986.

After leaving the Veterans Administration, Mr. Alvarez served as vice president for government services for the Hospital Corporation of America before forming his own consulting company, Conwal, Inc.

A dedicated civil servant, Mr. Alvarez is best known to the public as the first American aviator shot down over North Vietnam. He was taken prisoner of war on August 5, 1964, and held in North Vietnam for 8½ years, until the general release of prisoners on February 12, 1973.

Mr. Alvarez holds numerous military decorations for his courageous service. He has been honored with the Silver Star, two Legions of Merit (with combat ''V''), two Bronze Stars (with combat ''V''), the Distinguished Flying Cross, and two Purple Heart medals.

He continues to serve America and America's future by serving on the Board of Regents of the Uniformed Services University of Health Sciences [USUHS], the Board of Directors of the National Graduate University, and the Board of Fellows of Santa Clara University. He has also served on the White House Fellows Selection Committee and on the Board of Directors of the Armed Services YMCA of the USA.

Mr. Alvarez's life stands as a testament to patriotism, courage, and perseverance. His story is an inspiration and it is with humility that I introduce this bill to honor him so.

CONGRATULATING THOMAS C. NORRIS ON HIS RETIREMENT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. GOODLING. Mr. Speaker, in September of 1952 I began my teaching, coaching and counseling career at Kennard Dale Junior Senior High School in Fawn Grove, PA. Besides teaching and counseling, I coached basketball, football, and baseball. On my football team was a tall, skinny lad from Stewartstown. He was my quarterback on the JV Football team that trounced Red Lion 56–6. He was a forward on the basketball team and first baseman on the baseball team. He will be always considered the all-American boy—a lad every parent could wish was their own.

Of course I expected big things from this young man, because his aunt was my wonderful, wonderful teacher in grades 1, 2, 3, and 4 in a one-room setting where she was the reading, writing, and arithmetic teacher as well as the music, art, special education teacher, counselor, psychologist and yes, she was also the custodian.

When I moved into the counseling position, one of the first people I helped with their effort to get scholarship money was this same all-American young man. The scholarship that was available was the first P.H. Glatfelter Company scholarship. The winner was this same young, all-American lad.

Now as Paul Harvey would say, ''That was the rest of the story.'' You know the story of this lad's adult life. The first P.H. Glatfelter scholarship recipient became the CEO of the P.H. Glatfelter Company and a very active member of the community.

This skinny lad, who has now filled-out quite a bit since the tenth grade, is none other than the man of the hour you are honoring this evening. He was ''Tommy Norris'' who is now reverently known as ''Thomas C. Norris.'' This remarkable gentleman has come a long, long way since his days as a small town boy from Stewartstown, PA.

I wish only the best for him and his family as he enjoys his retirement years.

WELCOME TO CHICAGO, SUE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Ms. SCHAKOWSKY. Mr. Speaker, today, I would like to recognize and congratulate the Field Museum in Chicago on its unveiling of Sue, the 67 million-year-old Tyrannosaurus rex skeleton.

Sue's journey to the Field Museum began in South Dakota in 1990. Sue Hendrickson, a fossil hunter, discovered the bones while walking on a Cheyenne River Reservation. It took 12 scientists 30,000 hours to remove the fossilized bone from rock. She was then transported in 130 crates and boxes to a glass laboratory at the Field Museum where scientists began to meticulously reassemble her.

Paleontologists could not have known then what a magnificent scientific treasure they were uncovering. While the majority of the 22 partial T-rex skeletons in the world are only 40 to 50 percent complete, Sue is about 90 percent complete, making her by far the most complete skeleton ever recovered.

It is believed that when Sue roamed this earth, she would have weighed in at 7 tons, measured 50 feet in length, had a stride that measured about 10 to 12 feet and would have traveled at about 6.25 miles per hour.

I applaud the scientists, researchers, paleontologists, and craftsmen who went to painstaking efforts to recreate an accurate, finished skeleton for all Chicagoans and admirers around the country and world to enjoy. I also want to congratulate the Field Museum on its effort, and for continuing its extraordinary commitment to bringing the wonders of science to a broader community.

A SALUTE TO THE POLICE OFFICERS OF ORANGE COUNTY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Ms. SANCHEZ. Mr. Speaker, today I salute the police officers of this nation, especially those of the 46th Congressional District in Orange County.

Every day, 700,000 police officers serve our country. Most Americans probably don't know that our nation loses an average of almost one officer every other day. Those figures do not include the law enforcement personnel who are assaulted and injured each year.

More than 14,000 officers have been killed in the line of duty. The sacrifice of California officers has given our state the highest number of police deaths: 1,205.

The calling to serve in law enforcement comes with bravery and sacrifice. Those who make up the thin blue line protecting our homes, our families and our communities pay a price, and so do the loved ones they leave behind when tragedy strikes.

In particular, I rise in recognition of the jurisdictions that serve my district: The Anaheim Police Department, the Garden Grove Police Department, the Santa Ana Police Department and the Santa Ana Unified School District Police Department, the California Highway Patrol and the Orange County Sheriff.

We cannot replace the officers we've lost. We cannot bring them back to their families or departments. All we can do is grieve for their loss.

But as their federal representatives, we have a greater responsibility. We must ensure that our law enforcement agencies—and their officers and staff—have the resources they need to do their jobs safely.

And today we fulfill the most solemn part of our obligation to our America's police force: we promise that when an officer does make that sacrifice, he or she earns a place of the highest national respect with all due honor from the U.S. government.

FINANCIAL DISCLOSURE

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. SENSENBRENNER. Mr. Speaker, Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 2000, a matter of public record. I have filed similar statements for each of the 20 preceding years I have served in the Congress.

ASSETS

REAL PROPERTY

Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at 600,000). Ratio of assessed to market value: 100% (Encumbered)	$658,000.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	99,900.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $675,800.	383,977.25
Total Real Property	1,141,877.25

COMMON AND PREFERRED STOCK

Company	No. of shares	$ per share	Value
Abbot Laboratories, Inc	12200	35.19	429,287.50
Allstate Corporation	370	23.81	8,810.63
American Telephone & Telegraph	881.795	56.44	49,766.31
Bank One Corp	3439	34.38	118,215.63
Bell Atlantic Corp	1042.703	61.13	63,735.22
Bell South Corp	1234.713	46.88	57,879.90
Benton County Mining Company	333	0.00	0.00
BP Amoco	3604	40.13	144.610.50
Chenequa Country Club Realty Co	1	0.00	0.00
Cognizant Corp	2500	62.50	156,250.00
Darden Restaurants, Inc	1440	17.81	25,650.00
Delphi Automotive	212	16.00	3,392.00
Dunn & Bradstreet, Inc	2500	28.63	71,562.50
E.I. DuPont de Nemours Corp	1200	52.13	62,550.00
Eastman Chemical Co	270	45.50	12,285.00
Eastman Kodak	1080	54.31	58,657.50
El Paso Energy	150	40.38	6,056.25
Exxon Mobile Corp	4864	77.81	378,480.00
Firstar Corp	3081	22.94	70,670.44
Gartner Group	651	15.75	10,253.25

COMMON AND PREFERRED STOCK—Continued

Company	No. of shares	$ per share	Value
General Electric Co	5200	155.44	808,275.00
General Mills, Inc	2280	36.19	82,507.50
General Motors Corp	304	82.81	25,175.00
Halliburton Company	2000	41.00	82,000.00
Highlands Insurance Group, Inc	100	8.63	862.50
Imation Corp	00	26.69	2,642.06
IMS Health	5000	16.94	84,687.50
Kellogg Corp	3200	25.75	82,400.00
Kimberly-Clark Corp	27478	56.00	1,538,768.00
Lucent Technologies	696	60.75	42,282.00
Media One	255	81.00	20,655.00
Merck & Co., Inc	34078	62.13	2,117,095.75
Minnesota Mining & Manufacturing	1000	88.56	88,562.50
Monsanto Corporation	8360	50.00	418,000.00
Morgan Stanley/Dean Witter	312	81.56	25,447.50
NCR Corp	68	40.13	2,728.50
Newell Rubbermaid	1676	24.81	41,585.75
Newport News Shipbuilding	165.095	30.25	4,994.12
Nielsen Media	833	24.69	20,564.69
Ogden Corp	910	11.93	10,858.58
Pactive Corp	200	8.69	1,737.50
PG&E Corp	175	21.00	3,675.00
Raytheon Co	19	18.81	357.44
Reliant Energy	300	26.06	7,818.75
RR Donnelly Corp	500	20.93	10,466.25
Sandusky Voting Trust	26	87.00	2,262.00
SBC Communications	2146.009	42.13	90,400.63
Sears Roebuck & Co	200	30.88	6,175.00
Solutia	1672	13.38	22,363.00
Tenneco Automotive	178.112	7.93	1,412.87
U.S. West, Inc	328.244	72.63	23,838.72
Unisys, Inc	167	25.69	4,289.81
Vodaphone Airtouch	370	55.56	20,558.13
Warner Lambert Co	6804	97.31	662.114.25
Wisconsin Energy Corp	1022	19.93	20,371.02
Total Common and Preferred Stocks and Bonds			$7,676,757.43

LIFE INSURANCE POLICIES

Company	Face $	Surrender $
Northwestern Mutual #4378000	12,000.00	43,994.76
Northwestern Mutual #4574061	30,000.00	105,435.38
Massachusetts Mutual #4116575	10,000.00	7,915.38
Massachusetts Mutual #4228344	100,000.00	180,654.15
Old Line Life Inc. #5–1607059L	175,000.00	34,829.81
Total Life Insurance Policies		$372,829.48

BANK AND SAVINGS AND LOAN BALANCE ACCOUNTS

	Balance
Bank One, Milwaukee, N.A., checking account	$6,138.18
Bank One, Milwaukee, N.A., preferred savings	51,555.12
M&I Lake Country Bank, Hartland, WI, checking account	2,982.30
M&I Lake Country Bank, Hartland, WI, savings	349.03
Burke & Herbert Bank, Alexandria, VA, checking account	675.84
Firstar, FSB, Butler, WI, IRA accounts	74,080.51
Total Bank & Savings & Loan Accounts	135.780.98

MISCELLANEOUS

	Value
1994 Cadillac Deville	$13,400.00
1991 Buick Century automobile—blue book retail value	4,150.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	160,000.00
Stamp collection (estimated)	55,000.00
Interest in Wisconsin retirement fund	261,497.93
Deposits in Congressional Retirement Fund	124,393.54
Deposits in Federal Thrift Savings Plan	122,268.19
Traveler's checks	7,418.96

	Value
20 ft. Manitou pontoon boat & 40 hp Yamaha outboard motor (estimated)	4,500.00
17 ft Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	6,500.00
Total Miscellaneous	760,128.62
Total Assets	10,087,373.76

LIABILITIES

Nations Bank Mortgage Company, Louisville, KY on Alexandria, VA residence Loan #39758–77	$73,087.97
Miscellaneous charge accounts (estimated)	0.00
Total Liabilities	73,087.97
Net Worth	10,014.79

STATEMENT OF 1998 TAXES PAID

Federal income tax	$129,158.00
Wisconsin income tax	28,286.00
Menomonee Falls, WI property tax	1,982.56
Chenequa, WI property tax	15,191.68
Alexandria, VA property tax	6,820.00

I further declare that I am trustee of a trust established under the will of my later father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son under the Uniform Gift to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

TRIBUTE TO BRIGADIER GENERAL LEROY BARNIDGE, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. SKELTON. Mr. Speaker, today I wish to recognize a truly outstanding officer, Brigadier General Leroy Barnidge, Jr., United States Air Force. General Barnidge will soon be completing his assignment as the Commander of the 509th Bomb Wing, Whiteman Air Force Base, Missouri, located in the heart of my Congressional District.

General Barnidge distinguished himself by exceptional conduct in the performance of his duties as the commander of America's only B–2 bomber base. A natural leader, he carried America's most visible bomber from infancy to warfighting maturity and beyond. Widely recognized as a leading Air Force ambassador, he was hand-picked to host the highest levels of visitors including President Clinton and President Gorbachev, the Chairman of the Joint Chiefs of Staff, the Secretaries of the Air Force and Navy, and many of our colleagues in Congress. General Barnidge's command of one of the most inspected facilities under the START Treaty was unprecedented, resulting in five visits with no discrepancies. He also led the wing to an Excellent rating in its first-ever B–2 Nuclear Operations Readiness Inspections and two nuclear surety inspections. In addition, the wing maintained an impeccable safety record in both combat and daily operations, as General Barnidge always kept flight and ground safety at the forefront of planning and execution.

General Barnidge's unmatched communications skills resulted in worldwide coverage of the B–2 and 509th Bomb Wing during his participation in press conferences with both the White House and Pentagon Press Corps. Through his energetic support of community activities and numerous speaking engagements, he single-handedly built a relationship between the base and local community that will last for years. His visionary leadership will pay dividends to the 509th Bomb Wing and the Air Force far into the future.

In addition, General Barnidge was recently named Air Combat Command's Outstanding Wing Commander and awarded the Moller Trophy. This trophy is presented to the wing commander who demonstrates the most effective personal leadership to achieve or maintain the wing's combat effectiveness. General Barnidge led the 509th Bomb Wing into air power history and set the standard for future operations with overwhelming success during Operation Allied Force.

Mr. Speaker, General Barnidge deserves the thanks and praise of the nation that he has faithfully served for so long. Also, his wife, Sandy, deserves so much credit for her strong supportive role. I know the Members of the House will join me in paying tribute to this exceptional officer.

A TRIBUTE TO AMY AND NEIL KATZ, BONNIE AND BRUCE KATZ, MARILYN AND STANLEY KATZ, AND PAULA AND IRA RESNICK

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mrs. LOWEY. Mr. Speaker, on May 23d, DOROT, a New York-based organization dedicated to improving the lives of the elderly and strengthening intergenerational relationships, will honor an extraordinary extended family.

Descended from Pearl and Jack Resnick, themselves remarkably generous philanthropists and community leaders, the Resnick and Katz families have made exceptional contributions to DOROT, while also exemplifying the giving spirit of volunteerism.

Pearl and Jack's children, Marilyn and Ira, together with their spouses, Stanley and Paula, as well as Marilyn and Stanley's children, Neil and Bruce, and their wives, Amy and Bonnie, have devoted time, energy, wisdom, and financial support to DOROT's programming. Their efforts have made a striking difference in the lives of countless senior citizens.

Together, the Resnicks and Katzes have assumed responsibility for new services and special events at DOROT, helping to attract greater support from our community and bolstering DOROT's efforts to reach out to persons in need.

Whether coordinating the delivery of Passover packages, organizing black tie galas, expanding internship opportunities, arranging Thanksgiving banquests, or developing strategic plans, their contributions to DOROT have been both broad and deep. What's more, in addition to offering leadership and guidance, every member of this special family engages in hands-on volunteer work—interacting with clients and staff on a living, warm basis.

The timeless Jewish traditions of tzedaka and mitzvot have found inspiring expression in the Katzes and the Resnicks. I am delighted to join in honoring them today, and I am confident that their example will continue to guide new generations of volunteers and community leaders for many years to come.

WOMEN'S HEALTH

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mrs. MORELLA. Mr. Speaker, in 1990, the General Accounting Office (GAO) released a report citing the historical pattern of neglect of women in health research, and particularly the failure of many clinical trials to include women as subjects. This report led to increased government action on women's health research and to the creation of women's health offices, advisors, and coordinators in many government agencies.

Today only two agencies have women's health offices in the federal government that have statutory authorization. They are the Office of Research on Women's Health (ORWH) within the National Institutes of Health, and the Office for Women's Services within the Substance Abuse and Mental Health Services Administration (SAMHSA). These women's health offices are federally authorized and protected by law, and they have performed a remarkable service to the women of this country.

The other offices of women's health, advisors, and coordinators—the Department of Health and Human Services (HHS), Agency for Health Care Research and Quality (AHRQ), Health Resource and Services Administration (HRSA), Centers for Disease Control (CDC), and Food and Drug Administration (FDA)—face the possibility that future administrations will not to continue to support them, or that future funding will be insufficient for their needs.

Currently these offices stimulate new initiative to improve women's health and are the government's champion and focal point for women's health.

With this bill, we hope to create an enduring structure within which the currently well-documented ongoing needs and gaps in research, policy, programs, and education and training in women's health will continue to be addressed. It will ensure that important initiatives—in breast cancer detection and eradication, in the promotion of health behaviors and disease prevention, in improved public information about women's health, in better informed health care professions, among others—will reach fruition.

Therefore Mr. Speaker, I along with my colleague Representative CAROLYN MALONEY, am introducing the ''Women's Health Office Act of 2000'' which would provide statutory authorization for women's health offices in HHS, AHRQ, HRSA, FDA, and CDC. Such authorization would ensure that these women's

health offices would continue to exist under succeeding administrations. The bill includes authorization for appropriations to ensure that future funding will be adequate to support these offices' missions and programs. Through a coordinating committee, the bill also provides for integration of all HHS programs.

Providing statutory authorization for federal women's health offices is a critical step in ensuring that women's health research will continue to receive the attention it requires in the twenty-first century.

POLLUTION REPORTING

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Ms. DEGETTE. Mr. Speaker, we often hear from constituents frustrated by the complicated and sometimes confusing process of reporting pollutants to the Environmental Protection Agency (EPA). Some argue the solution to this problem is the widespread reduction or elimination of reporting requirements. This is not the proper response. There are very important public health, safety, and environmental reasons for these reporting requirements. These requirements have been carefully scrutinized by elected officials for decades and found to present significant benefits to the public. They allow us to better reduce and remediate pollution and identify point and non-point sources of pollution that threaten our communities, water, air and land. As result of collecting this information, we have been able to more accurately identify problems, target resources and programs, and improve public health and safety. Clearly, pollution reporting has not driven businesses to the brink of economic disaster or brought our economy to a screeching halt. But, can we find better and more efficient ways to collect this valuable information? The answer is yes.

We can collect this critical information in a manner that is more efficient and manageable for the private sector, the EPA, and State, local and tribal governments. It is time for pollution reporting to move into the twenty-first century and utilize the cost-effective technology of the information age. EPA must work with those that file pollution reports to develop a new reporting protocol. Today, I introduced legislation, the Streamlined Pollution Reporting and Technical Assistance Act, that directs the EPA to do just this.

The Streamlined Pollution Reporting and Technical Assistance Act does the following: (1) Directs the Administrator of the EPA to establish a simplified electronic reporting process for pollution; (2) directs the Administrator to establish or designate a central office that coordinates and collects reports; (3) directs the Administrator to work with State, tribal, and local governments, as well as industry, scientists, information technology experts, and environmental groups to develop the streamlined pollution reporting protocol; (4) directs the new office to conduct an active technical assistance program to assist all potential users of the reporting system; (5) directs the General Accounting Office and the Administrator to report on barriers to the implementation of this legislation; and (6) directs the Administrator, Director of the Office of Science and Technology Policy, Director of the National Science Foundation, and the Secretary of Energy to form an advisory committee comprised of appropriate representatives from industry, academia, government, and other organizations deemed appropriate. The committee shall advise Congress on the status of industrial or product life cycle analysis for reducing pollution and increasing resource use efficiency, and eliminating barriers to the increased utilization of life cycle analysis by the public and private sectors.

Mr. Speaker, this is important legislation that is good for the economy and good for the environment. This is an issue everyone can support and I look forward to working with my colleagues to pass this important legislation.

TRIBUTE TO COMMUNITY SCHOOL BOARD 12

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. SERRANO. Mr. Speaker, today I pay tribute and wish success to Community School Board 12 which will hold its annual scholarship dinner dance tomorrow.

For the past 24 years, Community School Board 12 has held a scholarship dinner dance in recognition of their students. The ultimate objective of the function is to raise funds in order to award savings bonds to seven outstanding students in each of the 24 elementary and secondary schools.

Over the past few years, Community School District 12 and the Community School Board have collaborated in the effort. The purpose of the scholarships is twofold. First, students who have excelled academically during the school year will be acknowledged and given praise. Second, the scholarship serve as an incentive to all students to strive for overall collegiate achievement. The worth of this event is unquestionable, and its effect can be long lasting.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Community School Board 12 Scholarship dinner a success and in congratulating this year's recipients.

A TRIBUTE TO THE FIRST BAPTIST CHURCH OF SAN JOSE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Ms. LOFGREN. Mr. Speaker, I pay tribute to the First Baptist Church of San Jose, the ''Church on the Hill''. The church has been a cornerstone of our community since the time of the gold miners. Even before California was established as a state, the church on the Hill was providing guidance to her citizens, under the leadership of her first pastor, the Reverend Osgood Church Wheeler.

The second oldest Baptist church in the state, the church began services on May 19, 1850. In a tent made of blue jeans in the infant city of San Jose, the church first met with 8 members, 6 of whom were women. This Friday the church will celebrate its 150th anniversary. Through each one of those 150 years the congregation has grown as the community around it grew. It has endured three separate fires which each time destroyed its building, earthquakes, floods and other natural disasters. It has flourished through 30 Presidents, two World Wars, and the Great Depression, and today the church is stronger than it has ever been.

Whether meeting in the rural setting of orchards and farmland, or in the center of the high tech world, the Church has continued to serve the people and touch the lives of the thousands who have walked through its doors. Pastor Dennis Henderson has the honor of presiding over the congregation today, and I congratulate him on his leadership. His vision will lead the congregation into its future complex, a facility befitting the modern community its serves.

As the church celebrates its sesquicentennial, it can be proud to be a shining light in the capital of Silicon Valley. The services the members of the congregation provide greatly enrich the community of San Jose. It is my honor to pay tribute to the First Baptist Church on this momentous occasion, and I am proud to represent the community in which it has thrived for so long. I wish the Church on the Hill the best of luck for another 150 years of inspiration.

MOVEMENT FOR CHANGE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Ms. SCHAKOWSKY. Mr. Speaker, on Sunday, May 14, 2000, Mother's Day, I was proud to join countless mothers and family members in sending a loud message to Congress. It was a message to those Members who for too long have listened to the gun lobbyists and ignored the wishes of the mothers of this country.

How many more children will be lost to gun violence before this Congress acts? How many more families, in every part of this country, will have to bury their young before the message of passing sensible gun safety laws is heard? And how long will mothers have to live in fear for their children's safety before some in Congress admit that guns are robbing families and this nation of our most precious possessions?

The Chicago Tribune, in an editorial today, wrote that over the years, the voice for gun safety has been ''muted and polite.'' But the editorial went on to say that ''On Sunday it was loud, powerful and plentiful. When that voice comes to be heard on Mother's Day, Father's Day, Election Day and every other day of the year, the political leaders propping up the gun lobby will have a new reason to tremble.''

That is true. This Sunday was the start of a movement. This is a movement that will help bring about change and save lives. It is a movement that will shape the future of this country. Mothers will continue to march until we get the job done.

WHY MOMS MUST KEEP MARCHING

Congratulations to the organizers of the Million Mom March. Whether or not they actually achieved their lofty seven-figure goal,

their turnout was extremely impressive. In this debate, numbers count.

Hundreds of thousands of mothers and others turned out Sunday in Washington and in towns across the country, including Chicago. Their message was loud and clear: America needs to get a handle on guns. Even after several years of declining violent crime rates, firearms deaths in the U.S. are astonishingly high compared to much of the rest of the world.

While the moms marched, the politicians and lobbyists who have stifled gun legislation in Washington scrambled to put up a brave front.

The National Rifle Association countered with soft and fuzzy TV ads preaching gun safety. That's a fine sentiment, but it's a bogus one when it comes from the folks whose primary mission is to prop up a furious and freewheeling market in guns, including guns whose only purpose is to kill human beings.

Even in the wake of the horrendous Columbine High School shootings, a stalemate in Congress has blocked modest gun control measures. It's time to break that stalemate. Those in the Capitol who still think they can duck and dodge this one, all those moms on Sunday called them out.

There has been a frustrating political dynamic at play in this country. Support for gun legislation is widespread, but it hasn't been particularly vocal.

Those who oppose tougher gun laws are in the minority, but they are well organized, they are fervent in their cause and they have made themselves heard.

That was clear in Illinois during recent debate over Gov. George Ryan's call to reinstate a felony gun law. Skittish legislators said most of their callers opposed Ryan's position. But polling showed overwhelming support for it. That included the vast majority of voters in the districts of 12 Republican senators who did not support the tougher gun law. Ultimately, Ryan prevailed, after threatening to keep legislators in Springfield until they say things his way.

But many in Congress and the legislatures still tremble in fear of the gun lobby. That's why the moms march was so important. Heretofore that voice, the voice for gun restriction, has been muted and polite. On Sunday it was loud, powerful and plentiful. When that voice comes to be heard on Mother's Day, Father's Day, Election Day and every other day of the year, the political leaders propping up the gun lobby will have a new reason to tremble.

A TRIBUTE TO JAMES F. AND ROBERTA T. BUESCHER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mrs. NAPOLITANO. Mr. Speaker, it is with great personal pleasure that I recognize my very dear friends Jim and Bobbi Buescher of Manhattan Beach, California on the happy occasion of their Twenty-fifth Anniversary of Marriage, today May 17, 2000.

Jim and Bobbi were married on May 17, 1975 at St. John of God Church in Norwalk, California, which is located in my Thirty-fourth district. Bobbi is the sister of my Chief of Staff, Mr. Chuck Fuentes.

Roberta Theresa Fuentes was born on November 17, 1948, the daughter of the late Robert H. ''Bob'' Fuentes and Theresa M. Fuentes (nee Palomares). Reared in Norwalk and later Cerritos, California, Bobbi was educated at Saint John of God Catholic Grammar School, where she graduated in 1962; Excelsior High School, where she graduated in 1966; and attended Cerritos Community College.

Bobbi Fuentes, a popular and attentive student, was elected by her High School classmates as a Varsity Song Leader and as a Princess of the Homecoming Court in 1965. At Cerritos College, she continued her student activism as a member of Delta Phi Omega Sorority, and was again selected for the College Pep Squad as a Song Leader. She was honored by the Brothers of Sigma Phi Fraternity as their ''Fraternity Sweetheart'' in 1967–68 and was elected a Princess of the 1968 Homecoming Court. A Journalism Major, Bobbi was also served on the staff of the student newspaper Talon Marks.

In 1970 Bobbi was named Miss Artesia-Cerritos and participated in the Miss California Beauty Pageant. Bobbi has been employed as a Flight Attendant for Trans World Airlines for thirty years and has traveled extensively throughout the world.

James Frederick Buescher was born on June 6, 1945, the son of the late Fred M. Buescher and Elizabeth Buescher (nee Patterson). Reared in Ferguson and later Washington, Missouri, Jim was educated at Ferguson Elementary School and Ferguson High School, where he was elected by his classmates as President of the Student Council. Jim graduated from Ferguson High School in 1963.

A serious and accomplished student, Jim attended MacMurray College in Jacksonville, Illinois and transferred to the University of Kansas where he earned his Bachelors Degree in Business Administration in 1968. While at KU, Jim was an Active member of Sigma Chi Fraternity.

Following his studies at KU, Jim moved to Southern California where he assumed the position of Vice President of Hazel of California, a specialty goods manufacturing company based in Santa Fe Springs. There he rose to prominence in business and community affairs.

Within a relatively short period of time, Jim Buescher was elevated to President and Chief Operating Officer of Hazel of California. At this point, he was invited to join the very prestigious Young President's Organization, where he served a term as President. He was also active as a member of the Board of Directors of the Santa Fe Springs Chamber of Commerce and Industrial League. Jim was elected President of the Chamber in 1984.

Following his illustrious career at Hazel/Jostens, Jim assumed a partnership investment in Gift-O-Rama, a giftware supplier based in Cerritos, California. A recognized leader in the specialty goods industry, Jim reentered the business as Chief Operating Officer of Idea Man Incorporated, based in Los Angeles. He continues in his leadership position under the new ownership of Ha-Lo Industries, Incorporated, based in Chicago, Illinois.

Together Jim and Bobbi have celebrated twenty-five years of marriage, enjoy world travel and life at the beach in sunny Southern California. They will be joined by many family members and friends at a Surprise Silver Wedding Anniversary Reception, at the Museum of Flying—Santa Monica Airport, on Sunday, May 20, 2000.

Mr. Speaker, it gives me great pleasure to extend to them, on behalf of my husband Frank and my family, our heartfelt congratulations to Jim and Bobbi Buescher on this very happy occasion and to wish them every possible happiness and many more years together.

INTERNET ACCESS CHARGE PROHIBITION ACT OF 2000

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Ms. DEGETTE. Mr. Speaker, I rise in support of H.R. 1291, the Internet Access Charge Prohibition Act. The expansion of the Internet has been a source of incredible growth in our economy. I do not think anyone wishes to slow down this incredible growth engine by allowing multiple or discriminatory taxes. This is one of the reasons there is so much support for H.R. 1291. By the same token, Internet telephone service has the potential to grow exponentially, but only if it is not subjected to per-minute charges.

The way Internet telephony is taxed will dictate the extent to which millions of Americans will have access to this new and innovative service. It is important that consumers have a range of choices when it comes to telephone services, which is why it is incumbent upon Congress to preserve competition in this industry.

The Federal Communications Commission (FCC) should carefully consider the issue of the appropriate way to regulate new Internet applications in a way that promotes growth and provides competition to consumers. Additionally, the FCC should also study the issue of whether or not an appropriate charge needs to be imposed on Internet providers in the future for the sake of preserving universal service. The bottom line should be to make sure that all Americans have access to affordable telecommunications services.

IN HONOR OF THE SELF-PROCLAIMED DNESTR MOLDAVIAN REPUBLIC (DMR)

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. KUCINICH. Mr. Speaker, today I speak on behalf of the people of the self-proclaimed Dnestr Moldavian Republic (DMR).

Moldova, inhabited by a Romanian majority, declared its independence of the USSR in 1992. However, Moscow did not recognize their independence. Consequently, a conflict has ensued between the ethnic Russian minority and the Romanian majority, resulting in the arrest of six Romanians who have been jailed every since.

The case of the ''Tiraspol Six,'' as they came to be known, was taken up by many international organizations. According to a 1998 Amnesty International Report, ''Their trial has apparently failed to meet international standards of fairness, and the men had allegedly been prosecuted for political reasons, because of their membership of the Christian

Democratic Popular Front, a Moldovan party favoring reunification with Romania.'' While two of the men have been released, four others remain in jail, suffering inhumane living conditions, denial of medical treatment and of visits by international organizations. I cannot make a formal judgement on the merits of the Tiraspol Six case, but I will defer to the findings of international human rights and pro-Democracy organizations. Amnesty International urged the authorities to ''conduct prompt, impartial and effective investigations into all allegations of ill-treatment by police and to bring those responsible to justice.''

These four men remain in jail today awaiting a fair and open day in court and a right to defend themselves against the charges made against them. The United States should help to promote freedom and democracy in region, by advocating just and fair treatment in court of the people of Moldova.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, I was absent for rollcall vote No. 183. Had I been present, I would have voted ''aye'' on H. Con. Res. 326—the Sense of the House Resolution on the Responsibility of the Federal Government concerning the Los Alamos fire.

FAIRNESS IN ASBESTOS COMPENSATION ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, today I am in opposition of H.R. 1283, the Fairness in Asbestos Compensation Act, which was recently reported out of the House Judiciary Committee. Before it comes to the House floor, I want to make clear my opposition to this bill that creates a windfall for the asbestos industry but denies fair compensation to tens of thousands of American workers and their families.

Bailing out an industry that has caused harm to millions of Americans, is the ultimate slap in the face to the millions of victims affected by the deadly hazards of asbestos. Only because our court system provides accountability for these manufacturers was this deadly threat finally stopped. Now, it is no surprise that asbestos manufacturers want to use the Federal Government to override tort statutes in various States, which have brought them to law. Even more troubling, the bill will prohibit approximately 50 percent of injured asbestos victims from compensation due to new and unreasonable medical standards.

Furthermore, punitive damages would be capped at three times compensatory damages if the victim goes through an administrative hearing. Most troubling, if the victim goes to court directly, punitive damages would be prohibited entirely.

The bill forgets all scientific and health related research that has proven the link between asbestos exposure and lung disease. The bill creates a strict burden of proof for establishing that asbestos-induced diseases were caused by asbestos exposure. There is no need for this elevated burden of proof since the medical literature by the medical community supports the current substantial level of proof now required. It is estimated that under the bill, about one-half of all asbestos cancer cases now eligible for compensation would be thrown out. For the first time, asbestos lung cancer victims will need to prove that they have no smoking history; if a victim has smoked, they can be denied compensation despite the fact that in the courts this excuse has been repeatedly rejected.

Lastly, the Republican Congress, that so heartily opposes bigger government creates a new federal bureaucracy with this bill. Instead of the 100 asbestos trials a year now moving through the courts, the bill proposes the creation of an entirely new Office of Asbestos Compensation to handle work that is Constitutionally under the purview of the Judiciary system.

We should call this bill what it really is: an Asbestos Industry Preservation and Denial of Victims Act. It is one-sided, pro-defendant, and will throw victims out of court, for the sake of protecting a dangerous industry.

RECOGNIZING THE ANNIVERSARY OF THE ORDINATION OF THE REVEREND JOHN T. KIELB

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. HOLT. Mr. Speaker, I rise today to recognize Reverend John T. Kielb, pastor of the Church of the Precious Blood in Monmouth Beach, on the 25th Anniversary of his ordination.

Father Kielb is a native of Bayonne, New Jersey, where the seeds of his vocation were sown as an Altar server at Mt. Carmel Roman Catholic Church.

Father Kielb began his journey at Seton Hall University's Divinity Program, where he remained for two years until he was assigned by the Diocese of Trenton to serve his remaining two years at St. Vincent's Seminary.

He graduated in 1974 with a Masters of Divinity Degree and was ordained a Deacon later that year. He spent the following year working in a Pennsylvania parish. On May 17, 1975, Father Kielb was ordained a Priest at St. Mary's Cathedral in Trenton.

Father Kielb's first assignment was to the Sacred Heart Church of South Amboy. Subsequently, he was assigned to St. Robert Ballarmine, in Freehold; St. Gabriels, in Marlboro; and Our Lady of Sorrows, in Mercerville. On September 1, 1989, he was named the pastor at the Church of the Precious Blood in Monmouth Beach, where he has served ever since.

Father Kielb is a great asset to Central New Jersey. I urge all my colleagues to join me today in recognizing Father Kielb and his accomplishments.

LOUIS CARDONI HONORED FOR COMMUNITY WORK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Louis Cardoni of Plains Township, Luzerne County, in my district, who will be honored by the Plains Rotarians at a dinner May 21 for his role as a community leader.

Lou Cardoni has a long history of community involvement, dating back to the 1940s, when as a youngster, he helped his father develop the Hilldale baseball diamond. Since that time, he has worked hard to make Hilldale and all of Plains Township a showplace for recreation in Northeastern Pennsylvania.

After returning from his service in the Army, Lou resumed his strong involvement in service to the community. He was a charter member of the Hilldale Community Center and is presently a member of the Plans Rotary Club, the Plains American Legion and the ITLO Club. He is a past president of the Plans Rotary and of the Hilldale Community Center and is the current secretary of the ITLO Club.

Mr. Speaker, Lou chaired the Plains Recreation Board for many years, and his accomplishments on the recreation board have been a model for the community. Among his most prominent accomplishments was helping to develop the Hilldale Baseball Park, which sent many boys on to the professional ranks, including Ed Ott, Randy Martz and Jim Farr, the current baseball coach at the College of William and Mary. Lou also spearheaded the development of the Birchwood Complex, one of Luzerne County's showplaces.

Working with other community leaders, Lou also helped to build three playgrounds, secure a grant for one of the first handicapped-accessible parks in Pennsylvania and obtain grants for roads and water lines in Birchwood Municipal Park and for filling a mine pit which has now been replaced with athletic fields.

Lou and his wife, the former Ellen Dooley of Plains, have three children, Louis Jr., Maureen Riley and Kathy Cardoni, and five grandchildren. Mr. Speaker, I am pleased to join the Plains community in honoring Louis Cardoni for his exceptional service, and I send my best wishes for continued success in all his endeavors.

INTRODUCTION OF THE ALTERNATIVE COMMUNICATION DEVICES MEDICARE COVERAGE ACT

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation that will help America's seniors take better care of themselves. This legislation will direct the Health Care Financing Administration (HCFA) to give Medicare beneficiaries coverage of Augmentative and Alternative Communication Devices (''AAC devices''). AAC devices provide individuals who are unable to speak, use sign language, or write because of cerebral palsy,

muscular dystrophy, stroke or ALS, the ability to communicate—and therefore to lead safer and more productive lives.

I am joined in this effort by my colleagues from California and New York, the Honorable RON PACKARD and JERROLD NADLER, and several other colleagues. In addition, full Medicare coverage of AAC devices is urged by a broad range of the professional medical community, including the American Medical Association, the American Academy of Neurology, and 13 of America's leading disability organizations, including the United Cerebral Palsy Association.

For over a year and a half, I have been working with other Representatives and Senators in hopes of accomplishing administratively through HCFA this goal of AAC device coverage. On Dec. 30, 1999, these 13 leading disability organizations filed a formal request to HCFA for Medicare coverage of AAC devices. On April 26, 2000, the HCFA, after missing its own earlier 90-day deadline for a decision, took only an incomplete and partial step. It withdrew a prior, inexplicable national non-coverage decision of AAC devices, issued in the 1980's, which was an obstacle to granting coverage. However, HCFA failed to take the needed step of granting Medicare beneficiaries coverage of AAC devices.

The legislation we are introducing today will accomplish that goal, and secure AAC device coverage for America's seniors through their Medicare health benefits.

For many of the people who need these devices, the ability to speak and interact with society though a communications device has a profound and positive impact on their lives. One of the most prominent users of these devices is the famed physicists Dr. Stephen Hawking, who suffers from amyotrophic lateral sclerosis (ALS) or Lou Gehrig's disease. Dr. Hawking's story of how his disease forced him to communicate through an augmentative communication device is best told in his own words:

In 1985, I had to have a tracheotomy operation. After this, I had to have 24 hour nursing care. This was made possible by grants from several foundations. Before the operation, my speech had been getting more slurred, so that only a few people who knew me well could understand me. But at least I could communicate. I wrote scientific papers by dictating to a secretary, and I gave seminars through an

However, a computer expert in California, called Walt Woltosz, heard of my plight. He sent me a computer program he had written, called Equalizer. This allowed me to select words from a series of menus on the screen, by pressing a switch in my hand. The program could also be controlled by a switch, operated by head or eye movement. When I have built up what I want to say, I can send it to a speech synthesizer. At first, I just ran the Equalizer program on a desk top computer.

However David Mason, of Cambridge Adaptive Communication, fitted a small portable computer and a speech synthesizer to my wheel chair. This system allowed me to communicate much better than I could before. I can manage up to 15 words a minute. I can either speak what I have written, or save it to disk. I can then print it out, or call it back and speak it sentence by sentence. Using this system, I have written a book, and dozens of scientific papers. I have also given many scientific and popular talks. They have all been well received. I think that is in a large part due to the quality of the speech synthesizer, which is made by Speech Plus. One's voice is very important. If you have a slurred voice, people are likely to treat you as mentally deficient: Does he take sugar? This synthesizer is by far the best I have heard, because it varies the intonation, and doesn't speak like a Dalek. The only trouble is that it gives me an American accent.

I have had motor neuron disease for practically all my adult life. Yet it has not prevented me from having a very attractive family, and being successful in my work. This is thanks to the help I have received from Jane, my children, and a large number of other people and organizations. I have been lucky, that my condition has progressed more slowly than is often the case. But it shows that one need not lose hope.

Mr. Speaker, Dr. Hawking's story is one of triumph over a terrible disease. But he is not alone.

More than 30,000 Americans suffer from ALS, another 30,000 from cerebral palsy and untold others from various diseases that rob them of their ability to speak. Fortunately, modern technology is making these augmentative communication devices smaller, easier to handle and affordable for many individuals.

However, for those who cannot afford these devices, they are already covered by every state Medicaid program as well as by TRICARE, the Department of Veterans Affairs, and hundreds of commercial health providers. They are not covered by Medicare. The Medicare program remains alone among federal government health care providers in choosing not to cover AAC devices, despite numerous attempts to secure this needed coverage.

We believe that HCFA can and should grant coverage of these devices to Medicare beneficiaries. Our legislation will accomplish that goal. Further delay is a great disservice to Medicare beneficiaries—seniors who often simply cannot speak for themselves—who need access to AAC devices. The challenges suffered by the greatest physicist of our time, Dr. Hawking, made clear to us through his own words, are likewise shared by thousands of other seniors around this country, who, without these devices, cannot speak for themselves. At the most basic level, the ability to communicate with a doctor, pharmacist, or care worker could save a senior's life. Moreover, securing Medicare coverage for seniors to use AAC devices gives voice to Americans who are kept silent, improving the quality of their lives immeasurably.

Attached are letters from the United Cerebral Palsy Association and Sunrise Medical, a communications device manufacturer, supporting this legislation. I urge all my colleagues to join me by co-sponsoring this timely and important legislation to achieve Medicare coverage of AAC devices.

UNITED CEREBRAL PALSY ASSOCIATIONS,
Washington, DC, May 9, 2000.

Hon RANDY (DUKE) CUNNINGHAM,
Attn: Tim Charters, Rayburn House Office Building, Washington, DC 20515.

DEAR REP. CUNNINGHAM: UCP, the nation's largest health charity, is pleased to endorse your forthcoming bill to require the Department of Health and Human Services to issue a Medicare National Coverage Determination for augmentative and alternative communication (AAC) devices. Many people with severe speech disabilities, such as those due to cerebral palsy, need these devices to communicate, but requests by UCP and other organizations for Medicare to issue a national coverage determination have not been heeded.

Medicare has failed to act in spite of the compelling case for the efficacy of AAC devices, in spite of physicians who determine these devices are medically necessary for many Medicare beneficiaries with severe speech disabilities, and in spite of the policy of every other health insurer to pay for them. As a result, some Medicare beneficiaries are unable to communicate because they cannot afford to buy these devices themselves.

Thus we believe Congress should enact your bill at the earliest possible time. We look forward to continuing to work with you as this proposal is considered by Congress.

Sincerely,

KIRSTEN A. NYROP,
Executive Director.

SUNRISE MEDICAL,
Carlsbad, CA, May 16, 2000.

Congressman RANDY ''DUKE'' CUNNINGHAM,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: Sunrise Medical appreciates your leadership in introducing legislation to provide Medicare coverage for Augmentative and Alternative Communication devices (''AAC''). These devices provide individuals who are unable to speak, use sign language, or write because of cerebral palsy, muscular dystrophy, stroke or ALS, the ability to communicate and therefore lead safer and more productive lives.

Sunrise Medical designs, manufactures and markets AAC devices. These devices are covered by every state Medicaid program, as well as by Tri-Care, the Department of Veterans Affairs, and hundreds of commercial health providers. Only Medicare has to date not covered AAC devices.

Full Medicare coverage of AAC devices is urged by virtually the entire professional medical community, including the American Medical Association, the American Academy of Neurology, and the 13 leading disability organizations. These organizations, including Sunrise Medical, filed on December 30, 1999 a request with HCFA for Medicare coverage of AAC devices. On April 26, 2000 HCFA, after missing its own earlier 90-day deadline for a decision, took only an incomplete and partial step. It withdrew the prior inexplicable national non-coverage decision of AAC devices, but it failed to take the needed step granting Medicare beneficiaries coverage of AAC devices. To leave this issue only half way done is a great disservice to Medicare beneficiaries who need access to AAC devices now.

Sunrise Medical supports your sponsoring legislation to provide Medicare coverage of AAC devices to give voice to seniors who cannot speak for themselves.

Sincerely,

STEVEN A. JAYE,
Senior Vice President.

GUAM'S YOUTH ISLAND LEADERSHIP DAY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. UNDERWOOD. Mr. Speaker, each year in April, Guam's Department of Education celebrates Youth Month with several activities. An oratorical contest, a student exchange program, a school showcase, and a youth showcase, and a youth conference culminates with the much-anticipated Island Leadership Day, during which students assume the roles of Guam's public, private, and military leaders for a day. In coordination with these sectors of our island community, the activity gives students from Guam's middle schools and high schools the opportunity to experience leadership roles. Island senators, corporate accountants, military colonels and, even, hospital nurses were included in the wide range of career men and women that selected students ''shadowed'' in order to experience an average day's work in their assigned positions.

On the morning of April 26, 2000, three high school students looking sharp, studious and ready to take on the challenge, walked into my office. William B. Jones, a senior from George Washington High School was Guam's student Washington Delegate for the day while Jonathan Pador, was a G.W. senior, took over as student District Director for my office and Madelene Marinas, a senior from the Academy of Our Lady of Guam, functioned as student Communications Director. Their eagerness was tempered by a bit of nervousness which was not surprising.

These students made me reminisce of my own high school days and the very first Island Leadership Day. Although admitting to the fact betrays my age, I still remain proud I once earned the privilege of being a senator in the Guam Legislature for a day. I remember arriving at the Guam legislative session hall that day back in 1964. I made a bee line for the desk of my hero, Senator Antonio B. Won Pat. I have always admired this man. He later worked to further advance Guam's agenda when he was elected to the office of the Guam Washington Representative in 1965. He was the first and only man to serve in this capacity until the office was replaced by the congressionally created Guam delegate's office in 1972. Mr. Won Pat served as a member of the House of Representatives from 1972 until 1984.

I did not realize it at the time but I look back to that event as the day I took my dreams a step further. I began setting my goals on that first Island Leadership Day in 1964. As Island Leadership Day is intended to introduce and inspire students to leadership positions in the community, I am proud to say I was among the ranks of many who, over the years, found inspiration and realized their goals through this program.

With the enthusiastic support of Guam's public, private and military sectors, more than 300 students from nearly every middle and high school took part in Island Leadership Day 2000. All in all, thousands of Guam's students participated in the various activities of Youth Month, each planned and coordinated by student leaders themselves. In particular, the Youth Month Central Planning Committee, was made up of students from Southern High School, specifically Cherika Chargualaf, president; Hermaine Alerta, vice president; Erwin Agar, secretary; Joseph Cruz, treasurer; and Angela Tamayo, activities coordinator. In having planned and executed a very impressive and successful schedule of varied events, our youth genuinely embodied this year's Youth Month theme, ''I Manhoben I Isla-ta, I Fuetsan I Tiempo-ta—The Youth of Our Island, the Strength of Our Time.''

Today's youth embody our future. As we provide training and guidance, their performance is clear indication of the leadership they have to offer for the future. As I look at local students take roles in different career areas, I see a wonderful vision of Guam's future.

TRIBUTE TO DR. ROSCOE C. BROWN, JR.

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. SERRANO. Mr. Speaker, it is with joy that I rise today to pay tribute to and to congratulate Dr. Roscoe C. Brown, Jr., for his dedication to education and human rights, and for his many accomplishments, including his service to America during World War II. He will be honored today at Bronx Community College when the Gould Student Center is renamed the Roscoe C. Brown, Jr. Student Center.

For 16 years, from 1977 to 1993, Dr. Brown was president of Bronx Community College in New York City. During that time, he brought the college to national prominence as a model urban community college devoted to providing opportunities for educational advancement for all.

Mr. Speaker, prior to becoming president of Bronx Community College, Dr. Brown was director of the Afro-American Institute at New York University. In that capacity, he educated students and the general public about the accomplishments of the African American community. It was during that time, too, that Dr. Brown began his career in radio and television, providing a larger public with insights into African American life.

Before his academic career, Dr. Brown distinguished himself as a member of the heroic Tuskegee Airmen, who came through World War II with a commendable record of successes in combat.

Dr. Brown has also been personally involved in the struggles for human rights for all people and has fought against all forms of racism and bigotry.

Mr. Speaker, it is an honor and a privilege for me to ask my colleagues to join me in recognizing Dr. Roscoe C. Brown, Jr. for his major contributions to our country.

INTRODUCTION OF THE NUCLEAR POWER PLANT SAFETY ENHANCEMENT ACT

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing a proposal to enhance the safety of operations at our nation's nuclear power plants.

As a representative from a district which has three nuclear power plants. I have always held a strong interest in promoting policies which seek to the ensure the safety of communities surrounding these facilities. I became acutely aware, however, of the need to strengthen the independent analysis and review of plant safety evaluations just recently.

On the night of February 15, a leak from one of the steam generators at the Indian Point 2 facility in Buchanan, New York, resulted in the declaration of an emergency alert. The distress caused by this incident was serious from the very beginning, and was made far worse by revelations in the weeks following the incident which indicated that previous inspections of the plant's steam generators were ''weak and incomplete,'' according to the NRC's Office of Nuclear Regulatory Research.

This is wholly unacceptable, and my purpose in offering this proposal today is to diminish the threat posed to our communities by insufficient safety evaluations. This legislation establishes within the Nuclear Regulatory Commission's (NCR) Office of the Inspector General a unit charged specifically with auditing the safety analysis and review activities of both the NRC and those entities licensed by the agency.

Given the unfortunate circumstances which have arisen with respect to Indian Point 2, it is only reasonable to question whether or not they are symptomatic of a broader problem. I believe the proposal being offered today goes a long way in taking the necessary precautions against such a possibility, and I urge my colleagues to join me in advancing this initiative.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. SHOWS. Mr. Speaker, I was away from the floor of the House on Tuesday, May 16, 2000, on official business and was unable to cast a recorded vote on rollcall 184.

Had I been present for rollcall 184, I would have voted ''yea'' on passage of H.R. 4425, the motion to suspend the rules and pass H.R. 1089, Military Construction Appropriations for Fiscal Year 2001.

COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1999

SPEECH OF

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending,

accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes:

Mr. ROEMER. Mr. Chairman, since I have served in Congress, I have always supported commonsense reform proposals that improve the efficiency of Congress and make it more accountable to the American people.

While I support some of the specific proposals contained in the Comprehensive Budget Process Reform Act, such as biennial budgeting and increased congressional oversight responsibility, I voted against the bill because it failed to include these important reform measures.

I was disappointed that the bipartisan amendment to provide for biennial budgeting was defeated. This would have streamlined the budget process, enhanced the oversight of government programs and strengthened fiscal management. With the recent enactment of the other government reform measures, such as the Government Performance and Review Act, which I supported, a biennial budget process would be the next logical step in promoting long-term planning, and improving the efficiency of government and the use of taxpayer dollars.

I was also disappointed that the House adopted on voice vote the second amendment offered by Representative RYAN. This amendment would allow non-Social Security surpluses to be used for tax cuts or changes to entitlement programs. The problem with this amendment, in my opinion, is that it would repeal many of the budget rules known as ''pay-as-you-go'' requiring that tax cuts be offset with equal cuts in federal spending. Without these rules, critical federal programs could be sequestered, leading to across-the-board cuts in education, Medicare, and farm support programs. This is a dangerous way to change the budget process, and it is not sound fiscal policy.

Mr. Chairman, for these reasons, I voted against H.R. 853, and I am pleased that a bipartisan majority of my colleagues voted with me to defeat this legislation.

INTRODUCTION OF LEGISLATION TO COVER AAC DEVICES UNDER MEDICARE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. NADLER. Mr. Speaker, today I join Representative CUNNINGHAM in introducing an important bill to rectify a fundamental unfairness for seniors stricken with Amyotrophic Lateral Sclerosis, ALS, and other debilitating diseases that render one unable to speak. Our bill would extend Medicare coverage to Augmentative and Alternative Communication, or AAC Devices, which have been previously unavailable to seniors who cannot afford the enormous cost, so that all seniors may enjoy the benefits of communication.

AAC devices are remarkable machines that allow a severely speech-impaired person to speak through a computer. Perhaps the most famous user of these devices is physicist Stephen Hawking, who relies on this device to conduct his brilliant work. Fortunately, he is able to afford an AAC device, but countless others who are stricken with ALS, and similarly debilitating diseases, find themselves without the means to purchase these expensive, yet invaluable, devices.

Amazingly, HCFA, the Health Care Financing Administration, has refused to cover these devices, labeling them ''a convenience item.'' Is it merely a convenience to be able to communicate with your family, your friends, or your caretaker? Is it just a luxury for people suffering with ALS to lead safe, healthy, and productive lives? That is what HCFA must believe by refusing to cover AAC devices.

HCFA's resistance toward covering AAC devices is made even more inexplicable by the fact that every other federal health care provider, like the Veterans' Administration, every state Medicaid program, as well as hundreds of commercial providers cover these unique devices, recognizing that communication is more than a convenience, it's a necessity. It is a cruelty to deny individuals the power of speech, when then devices are readily available.

I first became interested in this cause after meeting with the wife of the late actor Michael Lazlo, a constituent of mine, who first told me of HCFA's refusal to cover AAC devices. Over the last year and a half many of my colleagues, particularly Mr. CUNNINGHAM, and I have worked to reverse this short-sighted decision. I am pleased that recently they removed their non-coverage decision, allowing local carriers to cover AAC devices if they determine it is appropriate. However, this decision goes only half-way toward what is necessary. While I have no doubt that coverage is the only reasonable decision these local providers could reach, I feel we must affirmatively cover these devices.

According to HCFA itself, AAC Devices ''can greatly improve the quality of life of people who either cannot speak or whose speech is unintelligible to most listeners . . . this technology gives severely speech-impaired people ways to communicate their thoughts to others.'' I ask them today to listen to their own words and cover AAC devices.

Mr. Speaker, I ask my collegues to join us in providing the power of speech to those who could benefit from these devices and cosponsor this important legislation.

LUNG CANCER RESEARCH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mrs. LOWEY. Mr. Speaker, I rise today to discuss the tragedy of lung cancer, which afflicts hundreds of thousands of Americans. I especially want to pay tribute to my constituent, Vivian Feigl of Rego Park, New York, who struggles with this debilitating disease and whose longstanding commitment to helping those with lung cancer is an inspiration to us all. Rarely do I encounter people with as much passion and energy for an issue as Vivian has for finding a cure for lung cancer.

Mr. Speaker, most of us know how devastating lung cancer can be. But few Americans understand how pervasive this disease is. According to the American Cancer Society, lung cancer is the number one cancer killer of American women. More people die of lung cancer annually than colon, breast, and prostate cancers combined. In this year alone, over 164,000 new cases of lung cancer will be diagnosed, and nearly 157,000 people will die of lung cancer. Moreover, whereas early detection can prevent an overwhelming majority of deaths for some cancers, such as cervical and prostate cancer, few cases of lung cancer are caught at an early stage. Overall, the five-year survival rate for all stages of lung cancer is 14 percent. Clearly, we can and must do more to fight this terrible illness.

I have long supported increasing our investment in medical research because it can both save lives and reduce our nation's health care costs in the long run. And as a member of the Appropriations Subcommittee on Labor-HHS-Education, I have worked hard to ensure that researchers have the resources necessary to continue to make advances in the prevention and treatment of cancer.

Yet while funding for long cancer research has increased to about $160 million in 1999, our battle is far from over. With so many Americans like Vivian fighting bravely against this disease, we must continue to increase funding for lung cancer research. The Labor-HHS-Education appropriations bill that passed subcommittee last week would provide an additional $1.3 billion for the National Institutes of Health—a badly needed increase. As this bill moves forward, I hope that we'll ultimately provide a $2.7 billion increase so that we can meet our goal of doubling the NIH budget over five years.

So today, I again commend Vivian Feigl, who has devoted so much of her time and energy to the fight against lung cancer. And I promise to continue my fight to double funding for the NIH so we can find cures for lung cancer and the many of the other diseases and disorders plaguing our nation. Our friends and families depend on our unbending commitment to this critical research, and they deserve no less.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 18, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 19

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the extent to which fraud and criminal activities are affecting commerce on the internet, focusing on the widespread availability of false identification documents and credentials on the internet and the criminal uses to which such identification is put.
SD–342

MAY 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.
SR–253

MAY 23

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine drug safety and pricing.
SD–430

10 a.m.
Small Business
To hold hearings on Internal Revenue Service restructuring, focusing on small businesses.
SR–428A

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings to examine the Administration's Water Resources Development Act proposal.
SD–406

10:30 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine human rights abuses in Russia.
2200, Rayburn Building

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 740, to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities.
SD–366

3 p.m.
Foreign Relations
To hold hearings on the Meltzer Commission, focusing on the future of the International Monetary Fund and world.
SD–419

MAY 24

9:30 a.m.
Indian Affairs
To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Environment and Public Works
To hold hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 2123, to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; and S. 2181, to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.
SD–406

10 a.m.
Foreign Relations
To hold hearings on the nomination of Marc Grossman, of Virginia, to be Director General of the Foreign Service.
SD–419

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding , storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.
SD–366

MAY 25

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the outlook for America's natural gas demand.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine gene therapy issues.
SD–430

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the potential ban on snowmobiles in Yellowstone and Grand Teton National Parks and the recent decision by the Department of the Interior to prohibit snowmobile activities in other units of the National Park System.
SD–366

JUNE 7

9:30 a.m.
Indian Affairs
To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.
SR–485

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 2300, 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; S. 2069, to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.
SD–366

JUNE 21

9:30 a.m.
Indian Affairs
To hold hearings on certain Indian Trust Corporation activities.
SR–485

JUNE 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.
SR–485

JULY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.
SR–485

JULY 19

9:30 a.m.
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.
SR–485

JULY 26

9:30 a.m.
Indian Affairs
To hold hearings on authorizing funds for programs of the Indian Health Care Improvement Act.
SR–485

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

Daily Digest

HIGHLIGHTS

The Association of Former Members of Congress presented the Distinguished Service Award to the former House Chaplain, James David Ford.

House Committees ordered reported 13 sundry measures, including a measure to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China.

Senate

Chamber Action

Routine Proceedings, pages S4031–S4119

Measures Introduced: Thirteen bills were introduced, as follows: S. 2573–2585. **Page S4103**

Measures Reported: Reports were made as follows:

Special Report entitled ''Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal year 2001. (S. Rept. No. 106–296)

S. 345, to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful. (S. Rept. No. 106–297) **Page S4102**

Military Construction Appropriations: Senate continued consideration of S. 2521, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, taking action on the following amendments proposed thereto: **Pages S4031, S4037–96**

Adopted:

By 69 yeas to 30 nays (Vote No. 103), Lott Amendment No. 3150, to express the sense of the Senate with regard to the Second Amendment of the U.S. Constitution, the enforcement of Federal firearms laws, and the juvenile crime conference. **Pages S4032, S4037–66**

By 50 yeas to 49 nays (Vote No. 104), Daschle Amendment No. 3148, to express the sense of the Senate with regard to the Million Mom March and gun safety legislation. **Pages S4032, S4037–67**

Pending:

Levin Amendment No. 3154, to strike certain provisions which require ground troops be withdrawn from Kosovo by a fixed date. **Pages S4071–96**

During consideration of this measure today, the Senate also took the following action:

By 45 yeas to 54 nays (Vote No. 102), Senate failed to uphold a ruling of the Chair with respect to a point of order against Lott Amendment No. 3150 (listed above). **Pages S4063–65**

By prior unanimous consent, the point of order was withdrawn. **Pages S4063–65**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, on Thursday, May 18, 2000, with a vote on the pending Levin Amendment No. 3154 (listed above), to occur at 2:30 p.m. Further, that the bill be advanced to third reading, the Senate then proceed to H.R. 4425 (House companion measure), that all after the enacting clause be stricken, the text of S. 2521 as amended be inserted in lieu thereof, with a vote to occur on final passage of the House bill. The Senate then insist on its amendment, request a conference with the House thereon, the Chair be authorized to appoint conferees on the part of the Senate, and S. 2521 be indefinitely postponed. **Pages S4063–65**

A unanimous-consent time agreement was reached providing for further consideration of Levin Amendment No. 3154 (listed above) on Thursday, May 18, 2000. **Page S4063–65**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to the National Emergencies Act, a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs. (PM–105) **Page S4099**

Nominations Confirmed: Senate confirmed the following nominations:

7 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

25 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Navy, and Marine Corps. **Pages S4118–19**

Nominations Received: Senate received the following nominations:

Roger W. Kallock, of Ohio, to be Deputy Under Secretary of Defense for Logistics and Material Readiness.

Robert Mays Lyford, of Arkansas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

2 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Navy. **Page S4119**

Messages From the President: **Page S4099**

Messages From the House: **Page S4099**

Measures Referred: **Page S4099**

Measures Placed on Calendar: **Page S4099**

Measures Read First Time: **Page S4099**

Communications: **Pages S4099–S4101**

Petitions: **Pages S4101–02**

Executive Reports of Committees: **Pages S4102–03**

Statements on Introduced Bills: **Pages S4103–15**

Additional Cosponsors: **Pages S4115–16**

Amendments Submitted: **Pages S4116–17**

Notices of Hearings: **Page S4117**

Authority for Committees: **Pages S4117–18**

Additional Statements: **Pages S4097–99**

Privileges of the Floor: **Page S4118**

Record Votes: Three record votes were taken today. (Total—104) **Pages S4065–67**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:06 p.m., until 9 a.m., on Thursday, May 18, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4119.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Subcommittee on Defense approved for full committee consideration an original bill making appropriations for fiscal year 2000 for the Department of Defense.

GLOBAL WARMING

Committee on Commerce, Science, and Transportation: Committee held hearings to examine global warming issues, focusing on science and technology programs, including the U.S. Global Change Research Program, receiving testimony from Neal Lane, Assistant to the President for Science and Technology; Jerry D. Mahlman, Director, Geophysical Fluid Dynamics Laboratory, National Oceanic and Atmospheric Administration, Department of Commerce; Raymond S. Bradley, University of Massachusetts Department of Geosciences, Amherst; John R. Christy, University of Alabama Earth System Science Center, Huntsville; Kevin E. Trenberth, National Center for Atmospheric Research, Boulder, Colorado; and Robert T. Watson, Intergovernmental Panel on Climate Change, Washington, D.C.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee met and began markup of S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability, but did not complete action thereon, and will meet again on Wednesday, May 24.

MONTANA FLATHEAD IRRIGATION PROJECT

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded oversight hearings on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana, after receiving testimony from Sharon Blackwell, Acting Deputy Commissioner, Bureau of Indian Affairs, Department of the Interior; Jon Metropoulos, Flathead Joint Board of Control, St. Ignatius, Montana; and D. Fred Matt, Confederated Salish and Kootenai Tribes of the Flathead Nation, Pablo, Montana.

CLEAN AIR ACT AUTHORIZATION

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety concluded hearings on proposed legislation authorizing funds for programs of the Clean Air Act, focusing on an incentive-based

utility emissions reduction approach, after receiving testimony from David G. Wood, Associate Director, Environmental Protection Issues, Resources, Community, and Economic Development Division, General Accounting Office; James E. Rogers, Cinergy Corporation, Cincinnati, Ohio; Charles D. McCrary, Southern Company Generation, Birmingham, Alabama; Frank Cassidy, PSEG Power, Newark, New Jersey; Armond Cohen, Clean Air Task Force, Boston, Massachusetts, on behalf of the Clean the Air: The National Campaign Against Dirty Power; and Wayne Brunetti, New Century Energies, Inc., Denver, Colorado.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following business items:

S. 2277, to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China; and

The nomination of Michelle Andrews Smith, of Texas, to be an Assistant Secretary of the Treasury for Public Affairs.

CAMPAIGN FINANCE REFORM

Committee on Rules and Administration: Committee concluded hearings on S. 1816, to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, S. 2565, to reform the financing of Federal elections, S. 1502, to amend the Federal Election Campaign Act of 1971 to require mandatory spending limits for Senate candidates and limits on independent expenditures, to ban soft money, and certain provisions of S.J. Res. 6, proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections, after receiving testimony from Senators Hagel, Kerrey, Abraham, Landrieu, Hutchison, Hollings, and Reed.

INDIAN ARTS AND CRAFTS ACT

Committee on Indian Affairs: Committee concluded oversight hearings on the Department of the Interior's implementation of the Indian Arts and Crafts Act (P.L. 101–644), focusing on counterfeiting and misrepresentation, law enforcement, and Indian arts and crafts programs and activities, after receiving testimony from Senators Kyl and Bingaman; Faith Roessel, Chairperson, Indian Arts and Crafts Board, Department of the Interior; Mark C. Van Norman, Director, Office of Tribal Justice, Department of Justice; Jacob H. Lonetree, Ho-Chunk Nation, Black River Falls, Wisconsin; Michael P. Mullen, Mullen and Foster, Chicago, Illinois, on behalf of the Ho-Chunk Nation; Andy P. Abeita, Council for Indigenous Art and Culture, Albuquerque, New Mexico, and Tony Eriacho, Jr., Eriachio Arts and Crafts, Santa Fe, New Mexico, both on behalf of the Indian Arts & Crafts Association; and Jason Takala, Holbrook, Arizona.

INDIAN LAND PROJECTS

Committee on Indian Affairs: Committee concluded hearings on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project, and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, after receiving testimony from Senator Johnson; Mark C. Van Norman, Director, Office of Tribal Justice, Department of Justice; Terry Virden, Director, Office of Trust Responsibilities, Department of the Interior; Madonna Archambeau, Yankton Sioux Tribe, Marty, South Dakota; Arthur Denny, Santee Sioux Tribe of Nebraska, Santee; Michael B. Jandreau, Lower Brule Sioux Tribe, Lower Brule, South Dakota; and Webster Two Hawk, South Dakota Tribal Government Relations, William V. Fischer, American State Bank, and Clarence W. Skye, United Sioux Tribes of South Dakota Development Corporation, all of Pierre, South Dakota.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 4475–4487, were introduced. **Page H3308**

Reports Filed: Reports were filed today as follows:

H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001 (H. Rept. 106–622);

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2001 (H. Rept. 106–623); and

H. Res. 504, providing for the further consideration of H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001 (H. Rept. 106–624). **Page H3308**

Guest Chaplain: The prayer was offered by the guest Chaplain, Commissioner John Busby, National Commander of the Salvation Army, Alexandria, Virginia. **Page H3175**

Recess: The House recessed at 9:05 a.m. and reconvened at 10:45 a.m. **Pages H3175–83**

Association of Former Members of Congress—Annual Report to Congress: Agreed that the proceedings of the Association of Former Members of Congress held during the recess be printed in the Congressional Record and that all members and former members who spoke during the recess have the privilege of revising and extending their remarks. **Page H3183**

Distinguished Service Award to Chaplain Emeritus James David Ford: The Association of Former Members of Congress presented the Distinguished Service Award to the former House Chaplain, James David Ford. Subsequently, Dr. Ford presented himself in the well of the House Chamber and made remarks to all those assembled. **Pages H3182–83**

Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001: The House completed general debate and began considering amendments to H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001. Proceedings will resume on Thursday, May 18. **Pages H3193–H3288**

Agreed to:

Kasich amendment, no. 1 printed in H. Rept. 106–621, that conditions U.S. ground forces in Kosovo on a Presidential certification by April 1, 2001 that our European allies have met their specified percentage of aid pledges (agreed to by a recorded vote of 264 ayes to 153 noes, Roll No. 193); **Pages H3256–65**

Spence en-bloc amendment (consisting of amendments no. 5, as modified, 6, 7, 8, 9, 11 as modified, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, and 35, printed in H. Rept. 106–621) that requires an economic analysis on funding mechanisms for the CVN(X) aircraft carrier and LHD and LHA replacement class assault ships; includes territories and possessions of the U.S. in reports on the missile threat posed by North Korea; clarifies future flexibility for low-level flight training; includes findings regarding the environmental restoration of a former defense manufacturing site at Santa Clarita, California; clarifies the authority to submit reports required by Section 364; makes technical corrections to Army National Guard programs; authorizes later time-of-death determinations to allow disability retirements; waives nonavailability statement or preauthorization for those enrolled in TRICARE Standard; directs a study on the effects of contract bundling on small businesses; specifies compliance with the Buy American Act; allows the waiver of costs at the Asia-Pacific Center for Security Studies; requires a plan to ensure compliance with financial management requirements; authorizes five additional weapons of mass destruction civil support teams; establishes a commission on the future of the United States aerospace industry; expresses the sense of Congress regarding information technology systems; authorizes voluntary separation incentives and early retirement for employees of the Department of the Air Force; requires a report on the costs of Operation Allied Force; requires a GAO study on the value of U.S. military engagement in Europe; expresses the sense of Congress regarding DOD noncompliance with requirements to publish and update a list of Communist Chinese military companies operating in the United States; transfers property at Ft. Riley, Kansas for a veterans cemetery; transfers property at Fort Vancouver Barracks to Vancouver, Washington; transfers property at Lowry Air Force Base, Colorado to Lowry Redevelopment Authority; designates tank waste remediation project in Richland, Washington as the "River Protection Project;" ensures that export control thresholds for computer exports to Tier III countries are consistent; authorizes Department of Energy employee incentives at closure facilities; authorizes the conveyance of the offshore drill rig OCEAN STAR to the Offshore Rig

Museum, Inc.; and clarifies that clemency should not apply to the court-martial sentence of confinement for life without eligibility for parole. **Pages H3278–88**

Further proceedings were postponed on the following amendments that were offered and debated:

Frank of Massachusetts amendment, no. 2 printed in H. Rept. 106–621, that seeks to reduce the total amount authorized by 1 percent; **Pages H3265–68**

Dreier amendment, no. 3 printed in H. Rept. 106–621, that seeks to shorten the Congressional waiting period to review proposed adjustments of high performance computers for export purposes from 180 days to 60 days; **Pages H3268–72**

Luther amendment, no. 4 printed in H. Rept. 106–621, that seeks to terminate production funding for twelve Trident II (D–5) submarine-launched ballistic missiles; **Pages H3272–74**

Stearns amendment, no. 13 printed in H. Rept. 106–621, that seeks to require a study to compare the coverage for physical, speech, and occupational therapies under TRICARE Program and Civilian Health and Medical Program of the Uniformed Services to the coverage and benefits under Medicare and the Federal Employees Health Benefits program; and **Page H3278**

Traficant amendment, no. 20 printed in H. Rept. 106–621, that seeks to authorize the assignment of military personnel to assist Immigration and Naturalization Service and Customs Service at the request of the Attorney General or Secretary of the Treasury; **Pages H3274–78**

Rejected the Taylor of Mississippi motions to rise by recorded votes of 204 ayes to 216 noes, Roll No. 191 and 200 ayes to 215 noes, Roll No. 192. **Pages H3261–62, H3264–65**

H. Res. 503, the rule that is providing for consideration of the bill was agreed to by a yea and nay vote of 220 yeas to 201 nays, Roll No. 190. **Pages H3185–93**

Presidential Message National Emergency re Sudan: Read a message from the President wherein he transmitted his six month periodic report on the national emergency with respect to Sudan referred to the Committee on International Relations and ordered printed (H. Doc. 106–237). **Pages H3288–89**

Recess: The House recessed at 8:28 p.m. and reconvened at 11:45 p.m. **Page H3306**

Amendments: Amendment ordered printed pursuant to the rule appears on page H3309.

Quorum Calls—Votes: One yea and nay vote and three recorded votes developed during the proceedings of the House today and appear on pages H3192–93, H3261–62, H3264–65, and H3265. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:46 p.m.

Committee Meetings

TRADE RELATIONS WITH CHINA

Committee on Agriculture: Held a hearing to review the Administration's proposal for permanent normal trade relations with China. Testimony was heard from William M. Daley, Secretary of Commerce; Dan Glickman, Secretary of Agriculture; Charlene Barshefsky, U.S. Trade Representative; and public witnesses.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior approved for full Committee action the Interior appropriations for fiscal year 2001.

BANK MODERNIZATION ACT

Committee on Banking and Financial Services: Ordered reported, as amended, H.R. 4209, Bank Reserves Modernization Act of 2000.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported the following bills: H.R. 3383, to amend the Atomic Energy Act of 1954 to remove separate treatment or exemption for nuclear safety violations by nonprofit institutions; H.R. 3906, amended, to ensure that the Department of Energy has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security; H.R. 4446, to ensure that the Secretary of Energy may continue to exercise certain authorities under the Price-Anderson Act through the Assistant Secretary of Energy for Environment, Safety, and Health; H.R. 3852, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama; S. 1236, to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho; H.R. 4201, amended, Noncommercial Broadcasting Freedom of Expression Act of 2000; H.R. 3489, Wireless Telecommunications Sourcing and Privacy Act; and H.R. 2498, amended, Cardiac Arrest Survival Act of 1999.

EMBASSY SECURITY ENHANCEMENTS STATUS

Committee on International Relations: Held a hearing on the Status of Embassy Security Enhancements. Testimony was heard from the following officials of the Department of State: Patrick F. Kennedy, Assistant

Secretary, Bureau of Administration; David Carpenter, Assistant Secretary, Bureau of Diplomatic Security; and Jacquelyn L. Williams-Bridgers, Inspector General.

NEW MILLENNIUM—U.S. AND THE CARIBBEAN

Committee on International Relations: Subcommittee on the Western Hemisphere held a hearing on the U.S. and the Caribbean in the New Millennium: What is the Agenda? Testimony was heard from Ambassador H.E. Richard Leighton Bernal, Embassy of Jamaica; and public witnesses.

TECHNOLOGY WORKER TEMPORARY RELIEF ACT

Committee on the Judiciary: Ordered reported, as amended, H.R. 4227, Technology Worker Temporary Relief Act.

INTERNET TAX REFORM AND REDUCTION ACT; INTERNET TAX SIMPLIFICATION ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the following bills: H.R. 4267, Internet Tax Reform and Reduction Act; and H.R. 4460, Internet Tax Simplification Act of 2000. Testimony was heard from Ron Kirk, Mayor, Dallas, Texas; Paul Harris, Sr., member, House of Delegates, State of Virginia; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported, as amended, H.R. 297, Lewis and Clark Rural Water System Act of 1999.

The Committee also held a hearing on H.R. 3999, Virgin Islands and Guam Constitutional Self-Government Act of 2000. Testimony was heard from John Berry, Assistant Secretary, Policy, Management and Budget, Department of the Interior; the following officials of Guam: Carl T.C. Gutierrez, Governor; Antonio R. Unpingco, Speaker, Legislature; and Chief Justice Benjamin J.F. Cruz, Supreme Court; the following officials of the U.S. Virgin Islands: Charles W. Turnbull, Governor; and Vargrave Richards, President Legislature; and public witnesses.

OVERSIGHT—ABANDONED MINE RECLAMATION FUND NEEDS AND USES

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on Assessing future needs and uses of the Abandoned Mine Reclamation Fund established under Title IV of the Surface Mining Control and Reclamation Act of 1977. Testimony was heard from Kathrine Henry, Acting Director, Office of Surface Mining, Department of the Interior; Max Maxfield, Auditor, State of Wyoming; and public witnesses.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Rules: Committee granted, by voice vote, a rule providing for the further consideration of H.R. 4205, National Defense Authorization Act for fiscal year 2001. The rule provides that no further amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the Rules Committee report accompanying the resolution and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate. The rule provides that, except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule provides that, each amendment printed in the report shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of debate on any pending amendment). The rule waives all points of order against the amendments printed in the report. The rule allows the Chairman of the Committee of the Whole to postpone until a time during further consideration of the bill a request for a recorded vote on any amendment and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. The rule allows the Chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in the report out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect. Finally, the rule provides one motion to recommit, with or without instructions.

NATIONAL SCIENCE EDUCATION ACT

Committee on Science: Held a hearing on a Plan to Renew Science, Math, Engineering and Technology Education in Kindergarten through 12th Grade: H.R. 4271, National Science Education Act. Testimony was heard from public witnesses.

VA/DOD HEALTH CARE SHARING

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on VA/DoD health care sharing. Testimony was heard from Stephen P. Backhus, Director, Veterans' Affairs and Military Health Care Issues, Health, Education, and Human Services Division, GAO; Thomas L. Garthwaite, M.D., Deputy Under Secretary, Health, Department of Veterans Affairs; the following officials of the Department of Defense: Gwendolyn A. Brown, Deputy Assistant Secretary, Health Budgets and Financial Policy; and Lt. Gen. Paul K. Carlton, Jr., USAF, Surgeon General, U.S. Air Force; and a public witness.

CHINA—NORMAL TRADE RELATIONS TREATMENT; REPEAL EXCISE TAX—TELEPHONE AND OTHER COMMUNICATION SERVICES

Committee on Ways and Means: Ordered reported, as amended, the following bills: H.R. 4444, to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China; and H.R. 3916, to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

NEW PRIVATE LAW

S. 452, for the relief of Belinda McGregor. Signed May 15, 2000. (P.L. 106–4)

COMMITTEE MEETINGS FOR THURSDAY, MAY 18, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on Amyotrophic Lateral Sclerosis Research (ALS), also known as Lou Gehrig's Disease, 9:30 a.m., SH–216.

Full Committee, business meeting to mark up proposed legislation making appropriations for the Department of Defense for fiscal year ending September 30, 2001, and proposed legislation making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, 2 p.m., SH–216.

Committee on Armed Services: to hold hearings on United States strategic nuclear force requirements. (Closed hearing will follow in S–407), 2 p.m., SR–253.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions, to hold hearings to examine the attack of the "I Love You" virus and its impact on United States financial services industry, 10 a.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings on S. 2439, to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system; and the nomination of Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Energy Research, 9:30 a.m., SD–366.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 1584, to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; S. 1685, to authorize the Golden Spike/Crossroads of the West National Heritage Area; H.R. 2932, to authorize the Golden Spike Crossroads of the West National Heritage Area; S. 1998, to establish the Yuma Crossing National Heritage Area; S. 2247, to establish the Wheeling National Heritage Area in the State of West Virginia; S. 2421, 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 Connecticut and Massachusetts; and S. 2511, to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, 2:30 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Drinking Water, to hold hearings on S. 2417, to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, 10 a.m., SD–406.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings on issues relating to training Federal employees, focusing on Federal agency's programs to train and educate employees throughout their careers to maintain their skills and productivity, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine mental health parity, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to consider pending calendar business, 10 a.m., SD–226.

House

Committee on the Budget, Health Task Force, hearing on "Medicare's Regulatory Burden on Providers", 10 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Health and Environment, hearing on Biomedical Research: Protecting Surplus Chimpanzees, 11 a.m., 2322 Rayburn.

Committee on Government Reform, Subcommittee on Government Management, Information, and Technology, hearing on H.R. 220, Freedom and Privacy Restoration Act of 1999, 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on Looming Famine in Ethiopia, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing in H.R. 3590, ADA Notification Act, 10 a.m., 2141 Rayburn.

Subcommittee on Courts and Intellectual Property, oversight hearing on Privacy and Electronic Communications, 10 a.m., 2237 Rayburn.

Subcommittee on Crime, hearing on H.R. 3410, Volunteer Organization Safety Act of 1999, 2 p.m., 2226 Rayburn.

Committee on Resources,, Subcommittee on Energy and Mineral Resources, to continue oversight hearings to examine the laws, policies, practices, and operations of the Department of the Interior, Department of Energy, and other agencies pertaining to payments to their employees, including payments relative to mineral royalty programs and policies from public lands and Indian lands, 2 p.m., 1324 Longworth.

Subcommittee on Fisheries Conservation, Wildlife, and Oceans, to mark up the following bills: H.R. 3535, Shark Finning Prohibition Act; H.R. 4408, to reauthorize the Atlantic Striped Bass Conservation Act; and H.R. 4435, to clarify certain boundaries on the map relating to Unit NCO of the Coastal Barrier Resources System; followed by a hearing on H.R. 2798, Pacific Salmon Recovery Act of 1999, 10 a.m., 1324 Longworth.

Subcommittee on National Parks and Public Lands, to mark up the following bills: H.R. 2267, Willing Seller Amendments of 1999 to the National Trails System Act; H.R. 2409, El Camino Real de los Tejas National Historic Trail Act of 1999; H.R. 2833,Yuma Crossing National Heritage Area Act of 1999; H.R. 2919, National Underground Railroad Freedom Center Act; H.R. 3661, General Aviation Access Act; and H.R. 4115, to authorize appropriations for the United States Holocaust Memorial Museum; followed by a hearing on H.R. 4275, Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness Act of 2000, 10 a.m., 1334 Longworth.

Committee on Rules, to consider the following: H.R. 4392, Intelligence Authorization Act for Fiscal Year 2001; and H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, 11 a.m., H–313 Capitol.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on VA disability claims processing, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on Child Support Enforcement, 10 a.m., B–318 Rayburn.

Next Meeting of the SENATE

9 a.m., Thursday, May 18

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 2521, Military Construction Appropriations for Fiscal Year 2001, with a vote on Levin Amendment No. 3154 to occur at 2:30 p.m.

Also, Senate expects to begin consideration of S. 2522, Foreign Operations Appropriations for Fiscal Year 2001.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 18

House Chamber

Program for Thursday: Complete consideration of H.R. 4205, National Defense Authorization Act for Fiscal Year 2001 (structured rule, one hour of debate).

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